

2-20-2013

State v. Richardson Clerk's Record v. 1 Dckt. 40507

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"State v. Richardson Clerk's Record v. 1 Dckt. 40507" (2013). *Idaho Supreme Court Records & Briefs*. 4220.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/4220

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law. For more information, please contact annablaine@uidaho.edu.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	
)	
vs.	)	Supreme Court No. 40507
)	
KYLE ALAN RICHARDSON,)	
)	
Defendant-Respondent.)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Second Judicial District,
in and for the County of Nez Perce

HONORABLE CARL B. KERRICK

DANNY J. RADAKOVICH
Attorney for Respondent
LEWISTON, ID

LAWRENCE G. WASDEN, AG
Attorney for Appellant
BOISE, ID

State of Idaho vs. Kyle Alan Richardson

Date	Code	User		Judge
1/4/2012	NCRF	BDAVENPORT	New Case Filed-Felony	Jay P. Gaskill
	AFPC	BDAVENPORT	Affidavit Of Probable Cause	Jay P. Gaskill
	MFPC	BDAVENPORT	Magistrate's Finding Of Probable Cause	Jay P. Gaskill
	CRCO	BDAVENPORT	Criminal Complaint	Jay P. Gaskill
	SMIS	BDAVENPORT	Summons Issued	Jay P. Gaskill
	SMRT	BDAVENPORT	Summons Returned	Jay P. Gaskill
	STAT	BDAVENPORT	Case Status Changed: Inactive	Jay P. Gaskill
	STAT	BDAVENPORT	Case Status Changed: Pending	Jay P. Gaskill
	HRSC	BDAVENPORT	Hearing Scheduled (Initial Appearance Arraignment 01/11/2012 01:15 PM)	Jay P. Gaskill
	PROS	BDAVENPORT	Prosecutor Assigned Sandra K. Dickerson	Jay P. Gaskill
		BDAVENPORT	Officer Dammon Served Danny Radakovich in the Lobby with it	Jay P. Gaskill
1/10/2012	RQDD	JENNY	Request For Discovery-defendant	Jay P. Gaskill
1/11/2012	ARRN	DONNA	Hearing result for Initial Appearance Arraignment scheduled on 01/11/2012 01:15 PM: Arraignment / First Appearance	Jay P. Gaskill
	ORPD	DONNA	Defendant: Richardson, Kyle Alan Order Appointing Public Defender Public defender Danny Radakovich PD 2012	Jay P. Gaskill
	HRSC	DONNA	Hearing Scheduled (Preliminary Hearing 02/01/2012 01:30 PM)	Jay P. Gaskill
	NTHR	DONNA	Notice Of Hearing	Jay P. Gaskill
	WAIP	DONNA	Waiver of Speedy Preliminary Hearing	Jay P. Gaskill
	NOTF	DONNA	Notice Of Bond Forfeiture	Jay P. Gaskill
	NOTC	DEANNA	Notification of Rights - Felony	Carl B. Kerrick
1/12/2012	MINE	DONNA	Minute Entry Hearing type: Initial Appearance Arraignment Hearing date: 1/11/2012 Time: 1:23 pm Courtroom: Court reporter: None Minutes Clerk: Evans Tape Number: courtroom2 Defense Attorney: Danny Radakovich PD 2012 Prosecutor: Mia Vowels	Jay P. Gaskill
	RSDP	JENNY	Response To Request For Discovery-plaintiff	Jay P. Gaskill
1/13/2012	ORPD	DEANNA	Order Appointing Public Defender	Carl B. Kerrick
1/31/2012	STIP	SHELLIE	Stipulation to Continue Preliminary Hearing (D)	Jay P. Gaskill
	ORDR	SHELLIE	Order Continuing Preliminary Hearing (D)	Jay P. Gaskill
	CONT	SHELLIE	Hearing result for Preliminary Hearing scheduled on 02/01/2012 01:30 PM: Continued	Jay P. Gaskill
	CHJG	SHELLIE	Change Assigned Judge	Kent J. Merica

State of Idaho vs. Kyle Alan Richardson

Date	Code	User	Judge
1/31/2012	HRSC	SHELLIE	Hearing Scheduled (Preliminary Hearing 02/15/2012 01:30 PM)
2/6/2012	RSDP	JENNY	First Supplemental Response To Request For Discovery-plaintiff
2/15/2012	MINE	BEV	Minute Entry Hearing type: Preliminary Hearing Hearing date: 2/15/2012 Time: 3:25 pm Courtroom: Court reporter: Minutes Clerk: BEV Tape Number: ctrm 2 Defense Attorney: Danny Radakovich PD 2012 Prosecutor: Sandra Dickerson
	CONT	BEV	Hearing result for Preliminary Hearing scheduled on 02/15/2012 01:30 PM: Continued
	HRSC	BEV	Hearing Scheduled (Preliminary Hearing 02/22/2012 01:30 PM) specially set
	NTHR	BEV	Notice Of Hearing
2/22/2012	MINE	BEV	Minute Entry Hearing type: Preliminary Hearing Hearing date: 2/22/2012 Time: 1:54 pm Courtroom: Court reporter: Minutes Clerk: BEV Tape Number: ctrm 3 Defense Attorney: Danny Radakovich PD 2012 Prosecutor: Sandra Dickerson
	BOUN	BEV	Hearing result for Preliminary Hearing scheduled on 02/22/2012 01:30 PM: Bound Over (after Prelim) specially set
	HRSC	BEV	Hearing Scheduled (Arraignment 03/01/2012 01:15 PM)
	INFO	TERESA	Information
2/23/2012		BEV	Notice Of Hearing
	ORBO	BEV	Order Binding Over
2/27/2012	MOTN	TERESA	Motion for Preliminary Hearing Transcript at County Expense--def
	ORDR	TERESA	Order for Preparation of Preliminary Hearing Transcript at County Expense---CARLTON
3/1/2012	DCHH	TERESA	Hearing result for Arraignment scheduled on 03/01/2012 01:15 PM: District Court Hearing Held Court Reporter: Linda Carlton Number of Transcript Pages for this hearing estimated: less than 100 pages

State of Idaho vs. Kyle Alan Richardson

Date	Code	User	Judge
3/1/2012	PLEA	TERESA	A Plea is entered for charge: - NG (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery) Carl B. Kerrick
	PLEA	TERESA	A Plea is entered for charge: - NG (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery) Carl B. Kerrick
	PLEA	TERESA	A Plea is entered for charge: - NG (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Jury Trial 06/04/2012 09:00 AM) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Final Pretrial 05/24/2012 03:30 PM) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Pretrial Motions 05/17/2012 02:30 PM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 3/1/2012 Time: 1:17 pm Courtroom: Court reporter: Linda Carlton Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich PD 2012 Prosecutor: April Smith Carl B. Kerrick
3/2/2012	ORDR	TERESA	Order Setting Jury Trial and Scheduling Proceedings Carl B. Kerrick
3/27/2012	TRAN	TERESA	Transcript Filed Carl B. Kerrick
4/12/2012	MOTN	TERESA	Motion for Extension of Time to File Pretrial Motions--def Carl B. Kerrick
5/1/2012	MOTN	TERESA	Motion for Continuance---State Carl B. Kerrick
5/3/2012	HRVC	TERESA	Hearing result for Pretrial Motions scheduled on 05/17/2012 02:30 PM: Hearing Vacated---NO MOTIONS FILED Carl B. Kerrick
	CONT	TERESA	Continued (Jury Trial 08/20/2012 09:00 AM) Carl B. Kerrick
	CONT	TERESA	Continued (Final Pretrial 08/09/2012 03:30 PM) Carl B. Kerrick
	ORDR	TERESA	Order for Continuance Carl B. Kerrick
7/31/2012	RQDP	TERESA	Request For Discovery--plaintiff Carl B. Kerrick
	MOTN	TERESA	Motion to Admit Preliminary Hearing Transcript Testimony of Robert Bauer--Deceased---State Carl B. Kerrick
8/1/2012	CONT	TERESA	Continued (Final Pretrial 08/16/2012 01:15 PM) Carl B. Kerrick
		TERESA	Notice Of Hearing Carl B. Kerrick
8/9/2012	MISC	TERESA	Objection to Motion to Admit Preliminary Hearing Testimony at Trial---def Carl B. Kerrick

State of Idaho vs. Kyle Alan Richardson

Date	Code	User	Judge
8/16/2012	DCHH	TERESA	Hearing result for Final Pretrial scheduled on 08/16/2012 01:15 PM: District Court Hearing Held Court Reporter: Linda Carlton Number of Transcript Pages for this hearing estimated: less than 100 pages
	HRVC	TERESA	Hearing result for Jury Trial scheduled on 08/20/2012 09:00 AM: Hearing Vacated
	HRSC	TERESA	Hearing Scheduled (Pretrial Motions 09/20/2012 10:30 AM)
	MINE	TERESA	Minute Entry Hearing type: Final Pretrial Hearing date: 8/16/2012 Time: 2:07 pm Courtroom: Court reporter: Linda Carlton Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich PD 2012 Prosecutor: Sandra Dickerson
8/24/2012	MISC	TERESA	State's Response to Defendant's Objection to Admitting Preliminary Hearing Testimony of Now Deceased Witness
9/17/2012	ORDR	TERESA	Order re: Appointment of Public Defenders
9/20/2012	ADVS	TERESA	Hearing result for Pretrial Motions scheduled on 09/20/2012 10:30 AM: Case Taken Under Advisement
	MINE	TERESA	Minute Entry Hearing type: Pretrial Motions Hearing date: 9/20/2012 Time: 10:33 am Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich PD 2012 Prosecutor: Sandra Dickerson
9/24/2012	BATA	SHELLIE	Attorney Reassignment-Batch (batch process) Danny Radakovich PD 2012 removed. Rick Cuddihy PD 2013 assigned.
9/25/2012		TERESA	Notice of Appointment of New Public Defender
10/17/2012	MISC	TERESA	Substitution of Counsel
	ATTR	TERESA	Defendant: Richardson, Kyle Alan Attorney Retained Danny J Radakovich
10/23/2012	OPOR	TERESA	Opinion & Order on Motion to Admit Preliminary Hearing Transcript Testimony of Robert Bauer--Deceased----DENIED
	HRSC	TERESA	Hearing Scheduled (Status/Scheduling Conference 11/01/2012 01:15 PM)
		TERESA	Notice Of Hearing

State of Idaho vs. Kyle Alan Richardson

Date	Code	User	Judge
11/1/2012	DCHH	TERESA	Hearing result for Status/Scheduling Conference scheduled on 11/01/2012 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	MINE	TERESA	Minute Entry Hearing type: Status/Scheduling Conference Hearing date: 11/1/2012 Time: 1:20 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich Prosecutor: April Smith
11/5/2012	MOTN	TERESA	Motion for Permission to Appeal---State
	HRSC	TERESA	Hearing Scheduled (Status Conference 11/15/2012 01:15 PM)
		TERESA	Notice Of Hearing
11/15/2012	DCHH	TERESA	Hearing result for Status Conference scheduled on 11/15/2012 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	MINE	TERESA	Minute Entry Hearing type: Status Conference Hearing date: 11/20/2012 Time: 1:12 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich Prosecutor: April Smith
11/16/2012	ORDR	TERESA	Order Granting Permissive Appeal
12/28/2012	SCRT	DEANNA	Supreme Court Receipt - Order Withdrawing December 28, 2012 Order Granting Motion for Permissive Appeal
	SCRT	DEANNA	Supreme Court Receipt - Order Granting Motion for Permissive Appeal
1/8/2013	SCRT	DEANNA	Supreme Court Receipt - Order Granting Motion for Permissive Appeal
1/14/2013	APSC	DEANNA	Appealed To The Supreme Court
	NTAP	DEANNA	Notice Of Appeal
1/22/2013	SCRT	DEANNA	Supreme Court Receipt - Clerk's Record and Reporter's Transcript due at the SC by March 25, 2013

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 2923

FILED

2012 JAN 4 AM 9 54

PATTY O. WEEKS
CLERK OF THE DIST. COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. **CR12-00082**

AFFIDAVIT OF PROBABLE CAUSE

Comes now the undersigned peace officer who on oath deposes and says:

1. Affiant is a duly qualified peace officer serving with the Lewiston Police Department.
2. Affiant desires that a Summons issue for the appearance of the above-named defendant for the crime(s) of: **COUNT I - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony; COUNT II - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony; COUNT III - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony;**
3. Affiant believes probable cause exists that the defendant committed said crime; your affiant has attached to this Affidavit and incorporates by reference herein

an accurate copy of documents on file with the above-referenced law enforcement agency which form the basis for the Complaint against defendant.

SUBSCRIBED and SWORN to before me this 4th day of January 2012.


JUDGE OR CLERK OF COURT

Law Supplemental Narrative:

Supplemental Narratives

Seq	Name	Date	Narrative
4	Dammon Brett	12:46:56 12/14/2011	LEWISTON POLICE DEPARTMENT CAP SHEET AND CASE DISPOSITION SHEET

DATE: December 14, 2011

IN CUSTODY: [] YES
[x] NO

DEFENDANT:

Name: Kyle Alan Richardson
Address: 2115 Birch Avenue, Lewiston, ID 83501
Telephone: 208-553-7493 or 208-743-7017
Date of Birth: [REDACTED]
Social Security Number: [REDACTED]

LEWISTON POLICE DEPARTMENT CASE NUMBER: 11-L13806

OTHER AGENCIES RELATED CASE NUMBERS:

DATE OF INCIDENT: December 14, 2011

TIME OF INCIDENT: 12:35 Hours

CHARGES:

1. Three (3) counts of Delivery of Methamphetamines, IC 37-2732a1A
- 2.
- 3.

WITNESSES: (NAME, ADDRESS, PHONE)

1. Lewiston Police Department Confidential Informant 11-L02
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

CO-DEFENDANTS:

- 1.
- 2.
- 3.
- 4.

EVIDENCE:

1. Property #145144, Methamphetamines
2. Property #145184, Methamphetamines
3. Property #145326, Methamphetamines
4. Audio Recordings
5. Photographs
- 6.
- 7.

SUMMARY (PROBABLE CAUSE):

During the month of September, 2011, I received narcotics information from Lewiston Police Department Confidential Informant 11-L02. This C.I. told me

that he/she has previously purchased Methamphetamines from a male subject known to the C.I. as Kyle Richardson. The C.I. told me that he/she could purchase further Methamphetamines from Richardson.

Also during the month of September, 2011 with the assistance of the C.I. we made three (3) separate purchases of Methamphetamines from Kyle Richardson. All three of these controlled deliveries were conducted in Lewiston, Idaho. During this investigation I also showed the C.I. a photograph of the subject I believed to be Kyle Richardson and the C.I. identified the male in the photograph as "Kyle Richardson" and the same person the C.I. had purchased Methamphetamines from. The suspected Methamphetamines from each of the controlled deliveries were sent to the Idaho State Crime Lab for analysis and I received results back that each of these items contained Methamphetamines.

It should be noted that a controlled delivery of drugs consists of having a confidential informant identify a person that he or she knows to distribute narcotics and that the informant can purchase these narcotics from. Prior to the controlled delivery under a detective's direction the C.I. will make contact with the suspect to set up the controlled delivery. Prior to the controlled delivery detectives will contact the confidential informant at a location where the C.I.'s person and vehicle are searched for any other drugs, contraband or money. The C.I. is then provided pre-recorded buy funds and a body wire to monitor and record the incident. The C.I. is then surveyed by detectives as he or she goes to the pre-arranged meet location with the suspect. After the exchange occurs detectives then survey the C.I. as he/she goes back to a separate meet location. At that location the C.I. then provides the narcotics purchased to the detective and the detective again post-searches the C.I.'s person and his/her vehicle. A recorded debrief is then conducted with the C.I. about the incident.

=====

RECOMMENDATION: [] WARRANT
 [x] SUMMONS

=====

OFFICERS/INVESTIGATORS:

1. Detective Brett Dammon
- 2.
- 3.

=====

PROSECUTOR to POLICE:

DATE:

- [] Charges filed
- [] Warrant
- [] Referred to Juvenile Services
- [] Prosecution delayed for further investigation
- [] Prosecution Declined
- [] Summons

Assigned Prosecutor:

=====

FURTHER INVESTIGATION REQUESTED:

- 1.
 - 2.
 - 3.
- Police Follow-up due by:
- =====

PROSECUTION DECLINED: (EXPLANATION)

=====

CASE DISPOSITION:

- ☐ Guilty plea as charged
- ☐ Guilty plea to other charge:
- ☐ Guilty verdict
- ☐ Not Guilty verdict
- ☐ Other:

12/14/2011
12:42

Lewiston Police Department
LAW Incident Table:

562
Page: 1

Incident Number: 11-L13806

Nature: Narcotic Activi Case Number:

Image:

Addr: "Lewiston

Area:

City: Lewiston

ST: ID Zip: 83501

Contact:

Complainant& 785 Prefire Plan 162

Lst: LEWISTON POLICE DEPARTMENT

Fst:

Mid:

DOB: / /

SSN: - -

Adr= 1224 F ST

Rac: Sx: Tel: (208)746-0171 Cty: Lewiston

ST: ID Zip: 83501

Offense Codes: NARC

Reported:

Observed:

Circumstances:

Rspndg Officers: Dammon Brett

Rspnsbl Officer: Dammon Brett

Agency: LPD1

CAD Call ID:

Received By: Dammon Brett

Last RadLog:

How Received: T Telephone

Clearance: RPT

Written Incident Repo

When Reported: 12:47:20 09/08/2011

Disposition: ACT

Disp Date: 09/08/2011

Occurrd between: 12:47:20 09/08/2011

Judicial Sts:

and: 12:47:20 09/08/2011

Misc Entry:

MO:

Narrative: (See below)

Supplement: (See below)

(See below)

&

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
NM	785	09/08/2011	LEWISTON POLICE DEPARTMENT,	*Complainant
NM	149J	09/08/2011	RICHARDSON, KYLE ALAN	Suspect
VH	138719	09/08/2011	BLK 1998 CHEV C25 ID	Involved
PR	145326	09/16/2011	DRUG-METHAMPHET \$1,200	Evidence
PR	145184	09/09/2011	DRUG-METHAMPHET \$400	Evidence
PR	145144	09/08/2011	DRUG-METHAMPHET \$200	Evidence
EV	36646	09/19/2011	2 pkgs susp Meth 20.2gr TPW	*Evidence Incident
EV	36592	09/15/2011	15.0 g tpw meth	*Evidence Incident
EV	36549	09/09/2011	Methamphetamine	*Evidence Incident

LAW Incident Offenses Detail:

Offense Codes

Seq Code

Amount

1 NARC Narcotic Activity

0.00

LAW Incident Responders Detail

Responding Officers

Seq Name

Unit

1 Dammon Brett

374

Narrative:

Lewiston Police Department

09-08-11
Incident Report 11-L13806
Det. Brett Dammon, #374
Typed by: #267

9/7/11/1652 hours
Controlled Delivery #1 of Methamphetamines
Suspect: Kyle Richardson
Assisted by: Det. Sparks, Det. Ken Yount, Det. Michael Mooney

On September 7, 2011 at approximately 1000 hours I had contact with Lewiston Police Department Confidential Informant 11-L02 to discuss narcotics information. At that time the C.I. told me that he/she could purchase Methamphetamines from a male subject the informant knew as Kyle Richardson. The C.I. stated that he/she has purchased Methamphetamines from Richardson on multiple occasions in the past and has purchased up to one (1) ounce of Methamphetamines from Richardson at one time.

I then directed the C.I. to call Richardson to see if we could possibly set up a controlled delivery later on that same date. The C.I. then called 208-553-7493 where he/she was able to speak with a male subject and agreed to speak with each other again later on the same date.

On the same date at approximately 1652 hours I again contacted the C.I. at an undisclosed location in Lewiston, Idaho. At approximately 1700 hours I again directed the C.I. to call Richardson in attempt to set up a controlled delivery.

At approximately 1734 hours we were then able to speak with Richardson at that phone number where they agreed to meet in approximately 45 minutes from that time. Richardson and the C.I. agreed to contact each other in a parking lot in the 3100 block of Hatwai Road in Lewiston. This conversation with Richardson was recorded, however at that time there was no drug conversation as the Informant stated that it would be uncommon for him/her to speak about drugs over the phone.

At approximately 1735 hours I provided the Informant \$250 of pre-recorded buy money and Detective Sparks searched the C.I.'s person and vehicle, which no drugs or contraband were located. I then provided the Informant a body wire to monitor and record the incident and at 1757 hours Detective Sparks and myself followed the Informant as he/she drove to the location to meet Richardson. At approximately 1802 hours the Informant arrived at this location as Detective Sparks and myself were able to visually observe the Informant at all times. At approximately 1825 hours I directed the C.I. to again call Richardson where I overheard Richardson tell the Informant that he would be there in approximately "20 minutes."

At approximately 1845 hours I observed a black Chevrolet pickup arrive at the location where the Informant was. I also was able to see a male subject exit the vehicle whom I was able to identify as Kyle Richardson from prior contacts with him. In monitoring the body wire I overheard Richardson make contact with the Informant and at approximately 1852 hours they broke contact and Richardson left the area. Other detectives then surveyed Richardson as he left the area.

At approximately 1857 hours Detective Sparks and myself again contacted the Informant. The C.I. then provided me a small clear baggie containing a clear crystalline substance I believed to be Methamphetamines. Detective Sparks post-searched the C.I. and his/her vehicle which no other drugs or contraband were located. The C.I. did return to me \$50 of pre-recorded buy money that was not used during the transaction.

I then conducted a recorded debrief with the Informant where he/she told me that upon having contact with Richardson he exited his vehicle and removed the Methamphetamines from the passenger side of his vehicle. The C.I. stated that Richardson already had an 1/8 ounce of Methamphetamines pre-packaged and that the C.I. exchanged \$200 of the pre-recorded buy money for the Methamphetamines. The C.I. stated that he/she was able to see that Richardson possessed more Methamphetamines and believed it to possibly be another 1/8 ounce. I also showed the C.I. a photograph of the male subject I believed to be Kyle Richardson and the C.I. identified the male subject in the photograph as "Kyle Richardson" and advised this is the same subject he/she had purchased the Methamphetamines from. This concluded my contact with the Informant at that time.

I will include under this case file photographs of the Methamphetamines and audio recordings of the body wire and the debrief. The suspected Methamphetamines were placed into evidence at the Lewiston Police Department and I will request they be sent to the Idaho State Crime Lab for analysis. The total package weight of the product was 4.0 grams.

It should be noted that Lewiston Police Department Confidential Informant 11-L02 has been a signed informant for multiple months. During that time the Informant has provided information on other drug activities occurring in the Lewis-Clark Valley and has assisted on other felony cases. The information that the C.I. has provided has been found to be reliable and credible through independent investigations. It should be noted, however, that during the month of August 2011 I found that this C.I. had set up an exchange of Methamphetamines without my knowledge. I believe that the Informant was not going to advise me of this situation, however when I confronted the Informant with the information he/she was honest with me and disclosed to me what had occurred. The C.I. then assisted in taking steps to resolve this situation. According to the C.I. he/she never received Methamphetamines only conspired to purchase Methamphetamines for a third party. During that time the C.I. also disclosed that he/she does have an addiction problem and has used Methamphetamines on a few occasions while assisting as a Confidential Informant.

End of report.

Detective Brett Dammon, #374

 374

44214

Law Supplemental Narrative:

Supplemental Narratives

Seq Name	Date	Narrative
1 Dammon Brett	11:50:52 09/13/2011	Lewiston Police Supplemental Narrative

September 13, 2011
Supplement Report 11-L13806
Det. Brett Dammon, #374
Typed by: #267

September 9, 2011/1210 Hours
Controlled Delivery #2 of Methamphetamine
Suspect: Kyle Richardson
Assisted by: Det. Tom Sparks, Det. John Coe, Det. Ken Yount, Det. Bryce Scrimsher

On September 9, 2011 at approximately 1210 hours I had contact with Lewiston Police Department Confidential Informant 11-L02 at an undisclosed location in Lewiston, Idaho. At that time it was our intention to set up another controlled delivery of Methamphetamines with Kyle Richardson. At approximately 1218 hours I instructed the C.I. to make a recorded phone call to Richardson at phone number 208-553-7493 to discuss purchasing further Methamphetamines. During that phone conversation I overheard the informant speaking with Richardson about purchasing one (1) ounce of Methamphetamines, however Richardson stated that he only had a "half" or a half an ounce of Methamphetamines. Richardson then stated he would make some phone calls and attempt to find more Methamphetamines for the C.I. and that he would contact the C.I. at a later time.

At approximately 1251 hours we had not heard back from Richardson and I again requested that the informant make a second recorded phone call to Richardson. At that time the informant was able to speak with Richardson again where he stated that he could not find any further Methamphetamines. The C.I. stated that he/she would purchase the half ounce that Richardson currently possessed. The C.I. also told Richardson that he/she needed some time to collect money and that he/she would contact him at a later time. This concluded my contact with the C.I. at that time.

At approximately 1334 hours I again contacted the C.I. at an undisclosed location in Lewiston where we placed a third recorded call to Richardson. During that phone conversation we arranged to meet Richardson in approximately a half hour at a business in the 1400 block of G Street. During that time I also searched the informant's person, which no drugs or contraband were located. I then provided the C.I. with \$400 of pre-recorded buy money and a body wire to monitor and record the incident. I then dropped the C.I. off in a parking lot in the 1400 block of G Street where detectives were able to survey the informant. At approximately 1414 hours I observed Richardson's black Chevrolet pickup arrive in the parking lot and I then saw the informant enter the passenger seat of the vehicle. The vehicle then drove out of the parking lot continuing west bound on F Street before driving onto Main Street, continuing east bound. In monitoring the body wire I overheard the informant exit Richardson's vehicle at approximately 1418 hours and I overheard the informant speaking with an employee of a business in the 1400 block of Main Street. I also was able to observe the informant speaking with this male subject and I did

not notice any items transferred between the two subjects. It should also be noted that shortly after Richardson's vehicle exited the parking lot with the informant, Detectives lost surveillance of the vehicle until the informant was dropped off in the 1400 block of Main Street. In later reviewing the body wire recording I found that during that time the informant only had conversations with Richardson.

At approximately 1419 hours I picked up the informant and drove him/her to a separate undisclosed location. At approximately 1425 hours the C.I. handed me a cigarette carton that contained a clear plastic baggie. I noticed that inside this baggie was a clear crystalline substance that from my prior training and experience I believed to be Methamphetamines. At approximately 1426 hours I post-searched the C.I., which I did not locate any other drugs, contraband or money.

I then conducted a recorded debrief with the informant where the informant stated that upon contacting Richardson he/she got into Richardson's vehicle. The informant stated that as they were driving away from the parking lot Richardson set the cigarette carton containing Methamphetamines on the seat next to the informant. The informant stated that he/she then exchanged the \$400 of pre-recorded buy money for the Methamphetamines. The C.I. also stated that the \$400 of pre-recorded buy money would have only purchased a quarter ounce of Methamphetamines, however the informant believed that Richardson gave him/her a half ounce of Methamphetamines. The C.I. stated that he/she would still owe Richardson \$400. The informant stated he/she discussed this with Richardson and Richardson stated to get him the money as soon as possible. The C.I. stated that after exiting Richardson's vehicle he/she had contact with an employee of a business in the 1400 block of Main Street. The C.I. stated that there was only conversation between he/she and the employee and that there was nothing exchanged between the two of them. This concluded my contact with the C.I. at that time.

I then took the suspected Methamphetamines to the Lewiston Police Department where Detective Sparks tested a portion of the Methamphetamines with a field test kit. The sample tested presumptive positive for Methamphetamines. I then placed the Methamphetamines into evidence to be sent to the Idaho State Crime Lab for analysis. The total package weight of the Methamphetamines was 15.0 grams. Under this case file I will also include photographs of the Methamphetamines and audio recordings of the body wire and phone conversations. I request this case remain active at this time.

End of report.

Detective Brett Dammon, #374


216

Law Supplemental Narrative:

Supplemental Narratives

Seq Name	Date	Narrative
2 Dammon Brett	14:51:17 09/16/2011	Lewiston Police Supplemental Narrative

September 16, 2011
Supplement Report 11-L13806
Det. Brett Dammon, #374
Typed by: #267

September 14, 2011/ 1100 hrs
Controlled Delivery #3 of Methamphetamines
Suspect: Kyle Richardson
Assisted by: Det. Tom Sparks, Det. Ken Yount, Det. Mike Moony, Det. Rich Adamson, Det. Bryce Scrimsher

On September 14, 2011 at approximately 1100 hours I contacted Lewiston Police Department Confidential Informant 11-L02 to discuss possibly setting up a third controlled delivery of Methamphetamines from a Kyle Richardson. It should be noted that we conducted a second controlled delivery of Methamphetamines from Richardson on September 9, 2011 where we purchased approximately 1/2 ounce of Methamphetamines. From that second delivery we still owed Richardson \$400 as he gave us 1/4 ounce of Methamphetamines in advance.

On September 14, 2011 at approximately 1112 hours I directed the C.I. to make a recorded phone call to Richardson at 208-553-7493. I told the C.I. to ask Richardson if we could purchase one (1) ounce of Methamphetamines on today's date. During the phone conversation the C.I. made contact with Richardson and the C.I. asked if we could purchase a "double" which I know to be one (1) ounce. During that conversation Richardson stated that he could possibly sell the one (1) ounce and that he would like to meet up with the C.I. within the next three (3) to four (4) hours. After this phone conversation I broke contact with the C.I. to make arrangements to set up the controlled delivery.

On the same date at approximately 1322 hours I contacted the C.I. at an undisclosed location in Lewiston, Idaho. At that time I then searched the C.I.'s person which no drugs, contraband or money was located. I then directed the C.I. to call Richardson at the same phone number to set up the controlled delivery. The C.I. was able to make contact with Richardson where Richardson stated he would meet the C.I. in the 700 block of 14th Street in Lewiston in approximately 20 minutes. I then provided the C.I. with a body wire to monitor and record the incident and \$1,200 of pre-recorded buy funds.

At approximately 1334 hours Detective Yount and myself dropped the C.I. off in the 700 block of 14th Street. Other detectives were already set up in the area conducting surveillance and were able to watch the C.I. as he/she stood along 14th Street waiting for Richardson. At approximately 1342 hours Detectives observed a vehicle bearing Idaho plate I41321 pull up next to the C.I. and a male subject began speaking

with the C.I. The C.I. stood outside the vehicle the entire time and at approximately 1344 hours the C.I. broke contact with this subject. I did not believe this male subject was Richardson and in monitoring the body wire it sounded like they only had a verbal contact.

At approximately 1346 hours I overheard the C.I. receive a call from Richardson where Richardson stated he was "almost there." At approximately 1348 hours I observed a black Chevrolet pickup arrive in the area bearing Idaho plate N151807. This is the same vehicle that Richardson arrived in during the two prior controlled deliveries. At approximately 1351 hours I observed the C.I. enter the passenger side of this vehicle and they then drove away from the area. It should be noted that detectives lost visual of the vehicle for several minutes until detectives located it in the parking lot of a business in the 1300 block of Main Street. It should be noted that I later listened to the body wire recording and it seemed the only person the C.I. had contact with was Richardson during that time. At approximately 1355 hours the vehicle left the parking on Main Street. Detectives followed the vehicle as it then drove back into the area of the 700 block of 14th Street where the C.I. then exited the vehicle at approximately 1359 hours. Other detectives surveyed Richardson as he left the area and at approximately 1403 hours Detective Yount and myself picked up the C.I.

I drove the C.I. to an undisclosed location in Lewiston, Idaho where the C.I. then handed me two clear plastic baggies containing what I believed to be Methamphetamines. At approximately 1406 hours I conducted a post-search of the C.I. where I did not locate any other drugs, contraband or money.

I then conducted a recorded debrief with the C.I. where he/she told me that upon Richardson picking him/her up they drove to a parking lot in the 1300 block of Main Street. The C.I. stated that it was at that time while they were in the parking lot that he/she paid Richardson the \$400 still owed and then gave Richardson the remaining \$800 for the Methamphetamines. The C.I. stated that Richardson did not have a full ounce of Methamphetamines that we were planning on purchasing and the C.I. believed that Richardson only gave him/her 3/4 ounce of Methamphetamines. Richardson told the C.I. that he was hoping to obtain more Methamphetamines today and that Richardson would possibly be able to give the C.I. the other 1/4 ounce of Methamphetamines later on the same date. This concluded my contact with the C.I. at that time.

I then took the suspected Methamphetamines to the Lewiston Police Department where I placed it into a secure transfer safe. On September 16, 2011 I then tested a portion of these suspected Methamphetamines with a field test kit where I received a presumptive positive result for Methamphetamines. Also on September 16, 2011 I placed the Methamphetamines into evidence requesting it be sent the Idaho State Crime Lab for analysis. The total package weight of both the baggies were 12.9g and 7.3g. In later speaking with the C.I. about the weight of the Methamphetamines we received from Richardson on this controlled delivery we believe we still owed Richardson approximately \$300 as he gave us Methamphetamines in advance. I also was able to later review the body wire recording where I overheard the C.I. tell Richardson that he/she wanted a "double" or one (1) ounce of Methamphetamines. I overheard Richardson state "I don't have quite that much." I then


overheard the C.I. give Richardson the \$400 of money that was owed and also tell Richardson that he/she still had \$800 to purchase further Methamphetamines. I then overheard Richardson talk about giving the C.I. one (1) baggie that Richardson stated may be "short" of a 1/2 and a second baggie stating "this is a 1/4." I also overheard Richardson state that he may be able to give the C.I. the other 1/4 ounce of Methamphetamines at a later time to make a full ounce that the C.I. wanted to initially purchase.

I will place under this case file photographs of the methamphetamines and audio recordings of the phone calls, bodywire and debriefing.

No further information at this time. I request this case be listed as active.

End of report.

Detective B. Dammon, #374

 374
4/2/14

Law Supplemental Narrative:

Supplemental Narratives

Seq Name	Date	Narrative
3 Sparks Tom	17:47:56 10/04/2011	Lewiston Police Supplemental Narrative

Incident 11-L13806
Det. Tom Sparks, #375
October 4, 2011
#385

09-23-11/1355 hours

Controlled money exchange between Lewiston Police Department informant and Kyle Richardson Suspect: Kyle Richardson Assisted by: Det. Ken Yount, Det. Bryce Scrimsher, and Det. Sgt. Westbrook

On 09-23-11, at approximately 1355 hours, I met with Lewiston Police Department CI 11-L02 at an undisclosed location in Lewiston, Idaho. At that time it was my intention to set up a controlled meet, and have money given to Kyle Richardson that was owed to him. This meet was being conducted for methamphetamine that were provided to the CI without the exchange of money up front. There was going to be no narcotic exchange during this controlled meet, and this was strictly going to be involving the payment of money owed to Kyle Richardson.

It should be noted that the CI did make several phone calls to Kyle Richardson, per my request, prior to this meet. During these phone calls, the informant discussed with Richardson the money that he/she did in fact owe him. The informant advised Richardson that he/she was going to be able to provide him with the \$300.

At approximately 1400 hours, I searched the CI at the undisclosed location in Lewiston, Idaho. After searching the informant's person and vehicle, I found no evidence of controlled substances, contraband, or any other money. At approximately 1410 hours, the CI was given \$300 of prerecorded money that he/she was going to provide to Kyle Richardson. The informant was also given a wire that was placed on his/her body to record the conversation between him/her and Kyle Richardson.

At approximately 1420 hours, the informant made a telephone call to Richardson advising him that he/she had the \$300. During this phone conversation the informant arranged the meet to be in the mall parking lot in Lewiston, Idaho. Richardson agreed to this, advising the informant that he was going to be there in approximately 20 minutes. At 1421 hours, detectives followed the CI to the mall parking lot where he was continuously surveyed during the entire controlled meet. At 1426 hours, the CI arrived in the mall parking lot and awaited Richardson's arrival. At 1433 hours, Richardson arrived driving the same black Chevy truck, bearing license plate N151807. This truck has been seen on all other narcotic contacts. When Richardson made contact with the CI, I did noticed the CI reached out his drivers side window to Richardson, who was parked next to him, handing him what appeared to be the pre recorded buy money. The CI and Richardson spoke for several minutes and then at 1437 hours, Richardson left in his black pickup. The CI was continuously followed back to the undisclosed location in Lewiston.

It was at this location and time where a post search was conducted of

the CI. During the search of his/her person and vehicle there was no additional contraband, narcotics, or money found. I then conducted a recorded debrief of the events that had occurred. A copy of this recording was placed into the involvements for future reference. Also a copy of the body wire recording was also placed into involvements.

End of report.

Det. Tom Sparks, #375

FILED

2012 JAN 4 AM 9 54

PATTY O. WEEKS
CLERK OF THE DIST. COURT

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE COUNTY

CR12-00082

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. _____

MAGISTRATES FINDING OF
PROBABLE CAUSE UPON
DEFENDANTS APPEARANCE
PURSUANT TO SUMMONS (ICR 4)

The undersigned Magistrate having examined the Affidavit of Peace Officer Dammou, together with the documents attached thereto, and the undersigned Magistrate finding there is substantial evidence with a substantial basis for believing that there is a factual basis for the information furnished, the undersigned Magistrate hereby finds that probable cause exists to believe that an offense has been committed and that the defendant has committed the crime(s) of: **COUNT I - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony; COUNT II - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony; COUNT III - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony.**

DATED this 4th day of January 2012.


MAGISTRATE JUDGE

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 2923

FILED

2012 JAN 4 ~~AM~~ 9 54

~~PATTY O. WEEKS~~
~~CLERK OF THE DIST. COURT~~

CR12-00082

CASE NO.

COMPLAINT - CRIMINAL

VS.

KYLE A. RICHARDSON
D.O.B.: [REDACTED]
S.S.N.: [REDACTED]

Defendant.

STATE OF IDAHO)
 : ss.
County of Nez Perce)

PERSONALLY APPEARED Before me this 4 day of January 2012, in the County of Nez Perce, Det. Damman, who, being first duly sworn, complains and says: that KYLE A. RICHARDSON, did commit the following crime(s):

COUNT I
DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), a
felony

That the Defendant, KYLE A. RICHARDSON, on or about the 7th day of September, 2011 in the County of Nez Perce, State of Idaho, did unlawfully deliver a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance, to CI11-L02.

COUNT II
**DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), a
felony**

That the Defendant, KYLE A. RICHARDSON, on or about the 9th day of September, 2011 in the County of Nez Perce, State of Idaho, did unlawfully deliver a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance, to CI11-L02.

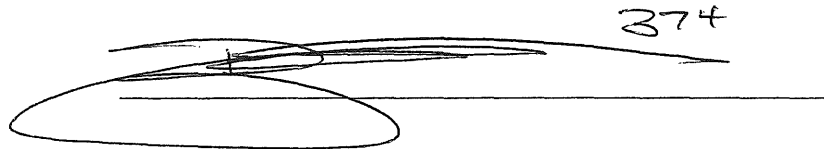
COUNT III
**DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), a
felony**

That the Defendant, KYLE A. RICHARDSON, on or about the 14th day of September, 2011 in the County of Nez Perce, State of Idaho, did unlawfully deliver a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance, to CI11-L02.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that KYLE A. RICHARDSON be dealt with according to law.

374



SUBSCRIBED and SWORN to before me this 4th day of January 2012.



MAGISTRATE

FILED

2012 JAN 4 AM 9 59

PATTY O'WEEKS

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

CR12-00082

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. _____

SUMMONS IN CRIMINAL
PROCEEDING

THE STATE OF IDAHO TO THE ABOVE-NAMED INDIVIDUAL:

You are hereby summoned to appear before a Magistrate of the above-entitled Court at the Courthouse in Lewiston, Nez Perce County, Idaho, located near the intersection of 13th and Main Streets, on the **11th day of January, 2012, at 1:15 p.m.**, for the crime(s) of: COUNT I - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony; COUNT II - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony; COUNT III - DELIVERY OF A CONTROLLED SUBSTANCE, I.C. §37-2732(a)(1)(A), a felony.


For your failure to appear at said time and place, a warrant will issue for your arrest.

DATED this 4th day of January 2012.


MAGISTRATE JUDGE

PEACE OFFICER'S RETURN

I hereby certify that I received the within Summons on the 4 day of January, and served the same upon D. Radakovich by showing the original and providing a copy of the same as well as a copy of a Criminal Complaint to D. Radakovich and by personally informing of their contents on the 4 day of January, at APC Courthouse in the City of Low-Ston, in the County of Nez Perce, State of Idaho.


PEACE OFFICER

A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

January 10, 2012

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

**RE: STATE v. KYLE RICHARDSON
CASE NO. CR12-082**

Dear Teresa:

Accompanying this letter please find the original and my blue file copy of a *Request for Discovery* in the above-named matter. Please file the original and then conform the blue copy and return it to my office.

Thank you for your courtesy in this matter.

Sincerely,



Sheryl A. Kiely
Paralegal

SAK:me

Enclosures

cc: Kyle Richardson (w/encl)
Nez Perce County Prosecutor (h/d w/encl)

DANNY J. RADAKOVICH
Radakovich Law Office
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED
2012 JAN 10 PM 2 06

PATTY O. WEEKS
CLERK OF THE DIST. COURT

Patty O. Weeks
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,)	CASE NO. CR12-082
)	
Plaintiff,)	
	)	REQUEST FOR DISCOVERY
v.)	
)	
KYLE A. RICHARDSON,)	
)	
Defendant.)	

TO THE ABOVE-NAMED PLAINTIFF:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence and materials:

1. All written and/or recorded statements made by the defendant, and the substance of any relevant oral statements made by the defendant to a peace officer, prosecuting attorney, or the prosecuting attorney's agent.
2. Defendant's prior record.
3. Books, papers, documents, photographs, videotapes, audiotapes, tangible objects, buildings, or places, or copies or portions thereof, which are within the possession or control of the

REQUEST FOR DISCOVERY

1

RADAKOVICH LAW OFFICE
1624 G Street
Lewiston, ID 83501

prosecuting attorney, and which are material to the preparation of the defense, intended for use by the prosecution at trial, or which were obtained from, or belong, to the defendant.

4. All results and/or reports of physical or mental examinations and of scientific tests or experiments made in connection with this particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney or the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence. For purposes of this Request For Discovery, the term "results and/or reports" shall mean, inclusively, not only the final results and reports of the examinations, tests, or experiments but also: (1) interim results and reports thereof, if any; (2) lab notes of the analyst or analysts performing the examinations, tests, or experiments; (3) photographs showing the results of examinations, tests, or experiments; (4) printouts of instrumental analysis performed during the examinations, tests, or experiments; and (5) any manuals, regulations, or protocols used by the analyst or analysts in performing any examinations, tests, or experiments.

5. A list of names, addresses, and telephone numbers of all persons having knowledge of relevant facts who may be called by the state as witnesses at trial, any record of prior felony convictions of any of such persons, and any statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney, his agents, or to any official involved in the investigatory process of the case.

6. All reports and/or memoranda made by a police officer and/or investigator in connection with the investigation and/or prosecution of the case.

The undersigned hereby requests permission to inspect and copy said information no later than the date of the pretrial conference in said matter. With respect to documentary material, the

furnishing of legible photocopies will constitute compliance with this request. With respect to photographs, the furnishing of photographic copies thereof will constitute compliance with this request. With respect to videotapes and audiotapes, the furnishing of video or audio copies thereof, as the case may be, on video or audio blanks furnished by the defendant shall constitute compliance with this request.

DATED this 10th day of January, 2012.



Danny J. Radakovich
Attorney for Defendant

I hereby certify that a true
and correct copy of the foregoing
instrument was hand-delivered to:

*Nez Perce County Prosecuting Attorney
P.O. Box 1267
Lewiston, Idaho 83501*

on this 10th day of January, 2012.



Danny J. Radakovich

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

PRELIMINARY HEARING MINUTES

CR-2012-0000082 and CR-2011-8658
State of Idaho vs. Kyle Alan Richardson
Hearing type: Initial Appearance Arraignment
Hearing date: 1/11/2012
Time: 1:23 pm
Judge: Jay P. Gaskill
Courtroom: 2
Court reporter: None
Minutes Clerk: Evans
Tape Number: courtroom2
Defense Attorney: Danny Radakovich PD 2012
Prosecutor: Mia Vowels

012337

Danny Radakovich and Kyle Richardson present
Court advises Def of rights, charges and penalties
This matter will be taken up at the time of the prelim today in CR-11-8658

013525

CR-2011-8658
State of Idaho vs. Kyle Alan Richardson
Hearing type: Preliminary Hearing

013252

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Def present ☒ with / ☐ without counsel

Mia Vowels --- present for State

☐ State / ☒ Def requests continuance of **Preliminary Hearing**

Court Orders: **Preliminary Hearing** in both cases continued to : 02-01-2012 at 1:30 p.m.

☐ Def waives **Preliminary Hearing** – Court Binds Def over to District Court

☐ Case set for District Court Arraignment at Assigned to:

Preliminary Hearing held, Proceedings as follows:

Def waives speedy prelim in both cases.

013252

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE
MAGISTRATE DIVISION

THE STATE OF IDAHO,

Plaintiff,

vs.

Kyle Richardson

Defendant,

NO. CR12-0032

NOTIFICATION OF RIGHTS
FELONY

FILED 4:41 AM
OCT 11 2012

Patty O. Weeks
Clerk of the District Court

Donna W. Ward

The purpose of the initial appearance is to advise you of your rights and the charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Nez Perce County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

Acknowledgement of Rights

I have read this entire document, and I understand these rights as set forth above.

Date

11/11/12

Defendant's Signature

Kyle Richardson

Notification of Rights - Felony

FILED

2012 JAN 11 PM 4 41

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

CLERK OF THE DISTRICT COURT

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

Kyle Richardson
Defendant,

CASE NO. CR-12-82

() NOTICE OF PRELIMINARY
CONFERENCE

(2) NOTICE OF PRELIMINARY
HEARING

() NOTICE OF SENTENCING

() NOTICE OF HEARING ON

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing
has been set in your case at which you are to appear in the Courtroom of the Nez Perce County
Courthouse, as indicated below:

() PRELIMINARY CONFERENCE to begin at _____, __.m., on the
_____ day of _____, 20____.

(2) PRELIMINARY HEARING to begin at 1:30 p.m., on the
1 day of FEB, 2012.

() SENTENCING to begin at _____, __.m. on the _____ day of
_____, 20____.

() HEARING to begin at _____, __.m. on the _____ day of
_____, 20____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID
TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A
WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 11 day of Jan, 2012.

BY ORDER OF:

(✓) Copy to Prosecuting Attorney

(✓) Copy handed to Defendant

() Copy mailed to Defendant

(✓) Copy mailed/handed/placed in
basket to Defendant's Attorney

Radakovich

Clark

Judge

Evans

Clerk

Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

2012 JAN 13 PM 2 48

STATE OF IDAHO
Plaintiff,
vs.

Kyle Alan Richardson
2115 Birch Ave
Lewiston, ID 83501

Defendant.

DOB: [REDACTED]
DL or SSN: [REDACTED]

PATTY O. WEENS
CLERK OF THE DIST. COURT
Donna L. Luan
DEPUTY

Citation No:

Case No: CR-2012-0000082

ORDER APPOINTING PUBLIC DEFENDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Danny Radakovich PD 2012
1624 G St.
Lewiston, ID 83501
(208) 746-8162

Public Defender for the County of Nez Perce, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Kyle Alan Richardson, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 1/13/12

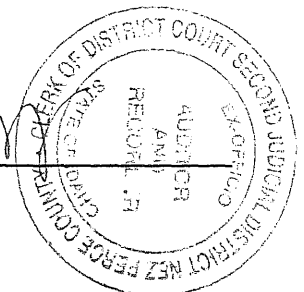
[Signature]
Judge

Copies to:

☒ Public Defender

☒ Prosecutor

Donna L. Luan
Deputy Clerk



Order Appointing Public Defender

DOC30 10/88

RECEIVED JAN 31 2012

LAW OFFICES OF

A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

January 31, 2012

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

RE: STATE v. KYLE RICHARDSON
CASE NO. CR12-082

Dear Teresa:

Accompanying this letter please find the original and my blue file copy of a *Stipulation to Continue Preliminary Hearing* in the above-named matter. Please file the original and conform the blue copy and return to my office.

Also enclosed you will find the original, one (1) white copy, and my blue file copy of an *Order Continuing Preliminary Hearing*. Once the judge signs the Order, please conform the copies and then deliver the white copy to the prosecutor and my blue file copy to me.

Thank you for your courtesy in this matter.

Sincerely,



Sheryl A. Kiely
Paralegal

SAK:me

Enclosures

cc: Kyle Richardson (w/encl)
Nez Perce County Prosecutor (h/d w/encl)

DANNY J. RADAKOVICH
 Radakovich Law Office
 Attorney for Defendant
 1624 G Street
 Lewiston, ID 83501
 (208) 746-8162
 Idaho State Bar #1991

FILED

2012 JAN 31 PM 2 25

PATTY D. W. ...
 CLERK OF THE DISTRICT COURT
[Signature]
 DEPUTY

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

STATE OF IDAHO,

Plaintiff,

v.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR12-0082

STIPULATION TO CONTINUE
 PRELIMINARY HEARING

COME NOW the parties to the above-entitled matter, by and through their attorneys of record herein, and hereby stipulate that the preliminary hearing set in said matter for 1:30 p.m. on February 1, 2012, be continued to 1:30 p.m. on February 15, 2012.

DATED this 31st day of January, 2012.

[Signature: Sandra Dickerson]
 Sandra Dickerson
 Deputy Prosecuting Attorney

[Signature: Danny J. Radakovich]
 Danny J. Radakovich
 Attorney for Defendant

STIPULATION TO CONTINUE
 PRELIMINARY HEARING

1

RADAKOVICH LAW OFFICE
 1624 G Street
 Lewiston, ID 83501

DANNY J. RADAKOVICH
Radakovich Law Office
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED

2012 JAN 31 PM 2 31

PATTY C. WILSON
CLERK OF THE DISTRICT COURT
[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	CASE NO. CR12-0082
)	
Plaintiff,)	
	)	ORDER CONTINUING
v.	)	PRELIMINARY HEARING
)	
KYLE A. RICHARDSON,)	
)	
Defendant.)	

THE PARTIES to the above-entitled matter having stipulated to continue the preliminary hearing in this matter, the court having considered said stipulation, and good cause appearing therefor;

IT IS HEREBY ORDERED that the preliminary hearing in this matter be continued to 1:30 p.m. on the 15th day of February, 2012.

DATED this 31st day of January, 2012.

[Signature]
Carl B. Kerrick
Judge

ORDER CONTINUING
PRELIMINARY HEARING

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on the 31st day of January, 2012, the undersigned

(Deputy) clerk of the above-entitled court hand-delivered true and correct copies of the Order to
which this certificate is attached to:

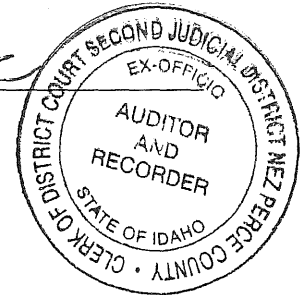
Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501

Danny J. Radakovich
1624 G Street
Lewiston, ID 83501

DATED this 31st day of January, 2012.

PATTY O. WEEKS, Clerk

By _____
Deputy



ORDER CONTINUING
PRELIMINARY HEARING

RADAKOVICH LAW OFFICE
1624 G Street
Lewiston, ID 83501

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

FILED
2012 FEB 6 PM 4 19

PATTY
CLERK OF THE
Patty Samm
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

**FIRST SUPPLEMENTAL RESPONSE TO
REQUEST FOR DISCOVERY**

COMES NOW the undersigned, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in the case herein, makes the following first supplemental disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional reports.

DATED this 6th day of February 2012.

Sandra K. Dickerson

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1) ✓ hand delivered, or
- (2) _____ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 16th day of February 2012.


ERIN D. LEAVITT
Senior Legal Assistant

AMENDED EXHIBIT "B"
AMENDED LIST OF REPORTS

STATE OF IDAHO vs. KYLE A. RICHARDSON
NEZ PERCE COUNTY CASE NO. CR2012-0000082

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
3. Lewiston Police Department LAW Incident Table consisting of one (1) page. (4)
4. Lewiston Police Department Narrative prepared by Brett Dammon consisting of three (3) pages. (5-7)
5. Lewiston Police Department Supplemental Narrative prepared by Brett Dammon dated September 13, 2011, consisting of two (2) pages. (8-9)
6. Lewiston Police Department Supplemental Narrative prepared by Brett Dammon dated September 16, 2011, consisting of three (3) pages. (10-12)
7. Lewiston Police Department Supplemental Narrative prepared by Tom Sparks dated September 23, 2011, consisting of two (2) pages. (13-14)
8. Idaho State Police Forensic Services Criminalistic Analysis Report dated September 13, 2011, consisting of three (3) pages. (15-17)
9. Idaho State Police Forensic Services Evidence Submission Receipt/Form dated September 12, 2011, consisting of one (1) page. (18)
10. Idaho State Police Forensic Services Criminalistic Analysis Report dated September 28, 2011, consisting of three (3) pages. (19-21)
11. Idaho State Police Forensic Services Evidence Submission Receipt/Form dated September 22, 2011, consisting of one (1) page. (22)
12. Lewiston Police Department Main Names Table consisting of four (4) pages. (23-26)
13. Criminal History consisting of eleven (11) pages. (27-37)
14. **One (1) CD containing 5 photographs and 16 audio files:**
 - a. **13806buy1bodywire**
 - b. **13806buy1debrief**

- c. 13806buy1header
- d. 13806buy1phonecall1
- e. 13806buy2bodywire
- f. 13806buy2call1
- g. 13806buy2call2
- h. 13806buy2call3
- i. 13806buy2debrief
- j. 13806buy2header
- k. 13806buy3bodywire
- l. 13806buy3debrief
- m. 13806buy3header
- n. 13806buy3phonecall1
- o. 13806buy3phonecall2

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

CASE TITLE State of Idaho vs. Kyle Alan Richardson JUDGE Kent J. Merica
HEARING TYPE PRELIMINARY HEARING CLERK Nelson
PLF ATTORNEY Sandra K. Dickerson TAPE NO. Chm 2
DEF ATTORNEY Danny Radakovich PD 2012 CASE NO. CR-2012-0000082
OTHERS PRESENT _____ DATE 2/15/2012
TIME 01:30 PM

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

325 34
Def present with / without counsel

Dickerson present for State

State Def requests continuance of Preliminary Hearing

Court Orders: Preliminary Hearing continued to : 2-22-12 at 1:30 p. m.

Def waives Preliminary Hearing – Court Binds Def over to District Court

Case set for District Court Arraignment at Assigned to:

Preliminary Hearing held, Proceedings as follows:

Parties agree to continue prelim for one week.
Judge Merica will stay on this case & will
do the prelim on the 22nd

32622 Recess

FILED

2012 FEB 15 P 3:57

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

Kyle Richardson
Defendant,

CASE NO. C R 12-0082

- () NOTICE OF PRELIMINARY
CONFERENCE
(☒) NOTICE OF PRELIMINARY
HEARING
() NOTICE OF SENTENCING
() NOTICE OF HEARING ON

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

- () PRELIMINARY CONFERENCE to begin at _____, __.m., on the _____ day of _____, 20 ____.
- (☒) PRELIMINARY HEARING to begin at 1:30 p.m., on the 22nd day of February, 20 12. in front of Judge Merica
- () SENTENCING to begin at _____, __.m. on the _____ day of _____, 20 ____.
- () HEARING to begin at _____, __.m. on the _____ day of _____, 20 ____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 15th day of Feb., 20 12.

BY ORDER OF:

(☒) Copy to Prosecuting Attorney

(☒) Copy handed to Defendant

() Copy mailed to Defendant

(☒) Copy mailed/handed/placed in
basket to Defendant's Attorney

Rudakovich

Merica
Judge

[Signature]
Clerk

COURT MINUTES

CR-2012-0000082

State of Idaho vs. Kyle Alan Richardson

Hearing type: Preliminary Hearing

Hearing date: 2/22/2012

Time: 1:54 pm

Judge: Kent J. Merica

Courtroom: 3

Minutes Clerk: BEV

Defense Attorney: Danny Radakovich PD 2012

Prosecutor: Sandra Dickerson

1:54:21 Sandra Dickerson present for the State
Danny Radakovich present with defendant

Parties are ready to proceed.

Court excludes witnesses.

1:54:43 State calls Det. Brett Dammon as a witness – sworn in and examined.

1:57:58 Radakovich – Objection, hearsay.

1:58:01 Court – Will allow it for background purposes. Not taking it for proof of the case.

1:58:15 State continues exam.

2:03:02 Radakovich – Objection to anything informant said as hearsay.

2:03:14 Court – He hasn't testified to anything informant said. Overruled.

2:03:23 State continues exam.

2:05:31 State moves to admit exhibit 3.

2:05:34 Radakovich – Questions witness in aid of objection. Objects to photo. Contains something which has not been qualified by testimony.

2:06:01 Court informs the State to ask more questions. Sustains objection.

2:06:04 State continues exam.

2:06:49 State moves to admit exhibit 3.

2:06:53 Radakovich – No objection for purposes of prelim.

2:06:56 Court – State’s exhibit 3 is admitted.

2:07:08 State continues exam.

2:08:11 State moves to admit exhibit 1.

2:08:15 Radakovich – Questions witness in aid of objection. For purposes of the prelim, no objection to it being admitted.

2:11:08 Court – State’s exhibit 1 is admitted.

2:11:13 State continues exam.

2:15:56 State moves to admit exhibit 4.

2:15:59 Radakovich – No objection.

2:16:09 Court – State’s exhibit 4 is admitted.

2:16:17 State continues exam.

2:20:35 State – Moves to admit exhibit 5.

2:20:40 Radakovich – Questions witness in aid of objection. Objects to entry of photo. No showing of which of the bags the test kit was used on. Therefore the test kit is not relevant.

2:21:09 Court – Overruled. Exhibit 5 is admitted.

2:21:13 State continues exam.

2:22:31 State moves to admit exhibit 2.

2:22:34 Radakovich – Questions witness in aid of objection. Renews objection to exhibit 5.

2:23:52 Court – Overrules objection. Picture depicts what it purports to depict, the drugs that were tested positive. Detective testified that the bag on the left was the bag tested, the smaller bag. Overrules objection and admits State’s exhibit 2.

2:24:32 State continues exam.

2:26:26	Radakovich cross examines.
2:28:53	State – Objection, relevance.
2:29:00	Radakovich continues cross.
2:42:36	State re-directs.
2:43:28	Radakovich re-cross.
2:44:17	State further questions the witness.
2:44:24	Radakovich – Objection, let’s get a date.
2:44:28	State continues exam.
2:44:54	Radakovich – Nothing further.
2:44:57	Det. Dammon steps down.
2:45:04	State calls Robert Bauer as a witness.
2:45:08	off the record
2:51:59	back on the record
	Robert Bauer sworn in and examined by the State.
2:56:37	Radakovich cross examines.
3:06:10	State – Nothing further.
3:06:12	Mr. Bauer steps down and is excused.
3:06:19	State has nothing further.
3:06:21	Radakovich – No witnesses, no argument.
3:06:26	State – No argument.
3:06:27	Court addresses the parties. Based on the testimony presented, Court finds substantial proof that the defendant committed the crimes as charged in the complaint. Binds defendant over to District Court to Judge Kerrick. Arraignment set for 3/01/12 at 1:15 p.m.
3:07:04	recess

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

FILED
2012 FEB 22 PM 4 14

CLERK OF THE DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,
D.O.B.: 10/04/1970,
S.S.N.: XXX-XX-1455,

Defendant.

CASE NO. CR2012-0000082

INFORMATION

SANDRA K. DICKERSON Chief Deputy Prosecuting Attorney, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that KYLE A. RICHARDSON is accused by this Information of the following crime(s):

COUNT I
DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), a felony

That the Defendant, KYLE A. RICHARDSON, on or about the 7th day of September, 2011 in the County of Nez Perce, State of Idaho, did unlawfully deliver a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance, to CI11-L02.

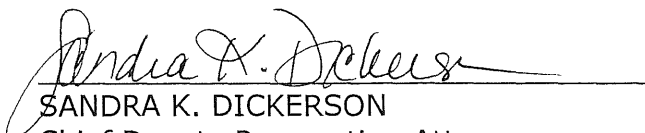
COUNT II
**DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), a
felony**

That the Defendant, KYLE A. RICHARDSON, on or about the 9th day of September, 2011 in the County of Nez Perce, State of Idaho, did unlawfully deliver a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance, to CI11-L02.

COUNT III
**DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), a
felony**

That the Defendant, KYLE A. RICHARDSON, on or about the 14th day of September, 2011 in the County of Nez Perce, State of Idaho, did unlawfully deliver a controlled substance, to-wit: METHAMPHETAMINE, a Schedule II controlled substance, to CI11-L02.

All of which is contrary to the form, force and effect of the statute in such cases and against the peace and dignity of the State of Idaho.


SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

2012 FEB 23 A 9:21

Case No: CR-2012-0000082

NOTICE OF HEARING

STATE OF IDAHO,

Plaintiff,

vs.

Kyle Alan Richardson,

Defendant.

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Arraignment
Judge:

Thursday, March 01, 2012 01:15 PM
Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, February 23, 2012.

Defendant: Kyle Alan Richardson
2115 Birch Ave
Lewiston, ID 83501

Mailed ☒ Hand Delivered ☐

Private Counsel: Danny Radakovich PD 2012
1624 G St.
Lewiston, ID 83501

Mailed ☐ Hand Delivered ☒

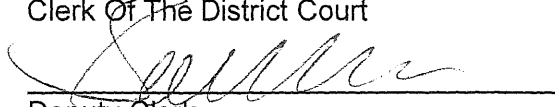
Prosecutor: Sandra K. Dickerson

Mailed ☐ Hand Delivered ☒

Dated: Thursday, February 23, 2012

Patty O. Weeks
Clerk Of The District Court

By:


Deputy Clerk
DOC22 7/96

FILED

2012 FEB 23 P 1:38

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

KYLE ALAN RICHARDSON,

Defendant.

CASE NO. CR 12-0082

ORDER BINDING OVER

The undersigned Magistrate having **HEARD** the Preliminary hearing in the above-entitled matter on the 22nd day of February, 2012, and it appearing to me that the offense set forth in the Complaint theretofore filed herein has been committed, and there is sufficient cause to believe the above-named defendant guilty thereof.

I ORDER that said defendant be held to answer the same, and said defendant is hereby bound over to the District Court for trial on the charges of COUNTS I, II, AND III: DELIVERY OF A CONTROLLED SUBSTANCE, I.C. § 37-2732(a)(1)(A), felonies.

DATED this 23rd day of February, 2012.



Magistrate

This case has been assigned to: CARL B. KERRICK, District Judge

ORDER BINDING OVER

A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

February 27, 2012

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

RE: STATE V. KYLE RICHARDSON
CASE NO. CV12-0082

Dear Teresa:

Accompanying this letter please find the original and my blue file copy of a *Motion for Preliminary Hearing Transcript at County Expense* in the above-named matter. Please file the original and then conform my blue file copy and return it to my office.

Also enclosed you will find the original, one (1) white copy, and my blue file copy of an *Order for Preparation of Preliminary Hearing Transcript at County Expense*. Once the judge signs the Order, please conform the copies and then deliver the white copy to the prosecutor and my blue file copy to me.

Thank you for your courtesy in this matter.

Sincerely,



Sheryl A. Kiely
Paralegal

SAK:me

Enclosures

cc: Kyle Richardson (w/encls)
Nez Perce County Prosecuting Attorney (h/d w/encls)

DANNY J. RADAKOVICH
A Felony Public Defender
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED
2012 FEB 27 PM 4 26
PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

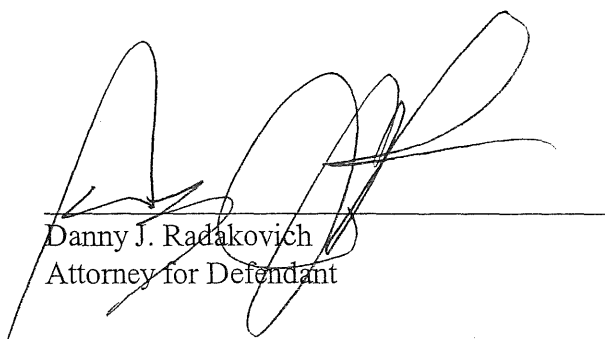
STATE OF IDAHO,	)	CASE NO. CR12-0082
)	
Plaintiff,	)	MOTION FOR PRELIMINARY
	)	HEARING TRANSCRIPT AT
v.	)	COUNTY EXPENSE
)	
KYLE A. RICHARDSON,)	
)	
Defendant.)	

COMES NOW the defendant in the above-entitled matter, by and through his attorney of record herein, and hereby moves the court for an order for preparation of a preliminary hearing transcript in this matter at County expense.

This motion is based upon Rule 5.2(a)(2), I.C.R., and is made on the grounds that the preparation of a preliminary hearing transcript is necessary for the defendant to receive a proper defense. The transcript should be prepared at County expense because the defendant is a public defender client and cannot afford the transcript.

MOTION FOR PRELIMINARY
HEARING TRANSCRIPT AT
COUNTY EXPENSE

DATED this 27th day of February, 2012.

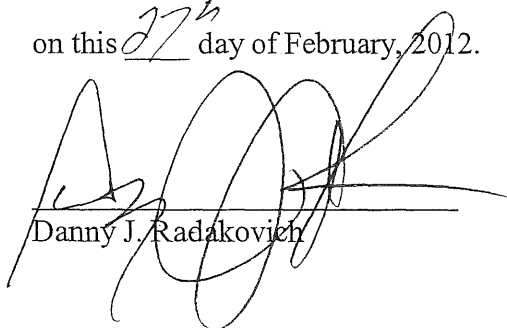


Danny J. Radakovich
Attorney for Defendant

I hereby certify that a true and
correct copy of the foregoing was
hand-delivered to:

*Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501*

on this 27th day of February, 2012.



Danny J. Radakovich

MOTION FOR PRELIMINARY
HEARING TRANSCRIPT AT
COUNTY EXPENSE

DANNY J. RADAKOVICH
A Felony Public Defender
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED
2012 FEB 27 PM 4 47

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
Patty Weeks
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	CASE NO. CR12-0082
)	
Plaintiff,	)	ORDER FOR PREPARATION
	)	OF PRELIMINARY HEARING
v.	)	TRANSCRIPT AT COUNTY
	)	EXPENSE
KYLE A. RICHARDSON,)	
)	
Defendant.)	

COUNSEL FOR the defendant in the above-entitled matter having moved the court to order preparation of a preliminary hearing transcript in this matter at County expense, the court having considered said motion, and good cause appearing therefor;

IT IS HEREBY ORDERED that a transcript of the preliminary hearing in this matter be prepared at County expense.

DATED this 27th day of February, 2012.

Carl B. Kerrick

Carl B. Kerrick
District Judge

ORDER FOR PREPARATION OF
PRELIMINARY HEARING TRANSCRIPT
AT COUNTY EXPENSE

1

TRANSCRIPT ASSIGNED TO
☒ CARLTON
☐ TOWLER
DATE 2/28/12

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on the 28th day of February, 2012, the undersigned
(Deputy) clerk of the above-entitled court hand-delivered true and correct copies of the Order to
which this certificate is attached to:


Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501

Danny J. Radakovich
1624 G Street
Lewiston, ID 83501

DATED this 28th day of February, 2012.

PATTY O. WEEKS, Clerk

By *P. O. Weeks*
Deputy



ORDER FOR PREPARATION OF
PRELIMINARY HEARING TRANSCRIPT
AT COUNTY EXPENSE

COURT MINUTES

CR-2012-0000082

State of Idaho vs. Kyle Alan Richardson

Hearing type: Arraignment

Hearing date: 3/1/2012

Time: 1:17 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Linda Carlton

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich PD 2012

Prosecutor: April Smith

11752 Defendant present with counsel.

11807 Parties request trial setting.

State's Information previously filed in CR11-8658 for the crime of Possession with Intent to Deliver and Unlawful Possession of a Firearm and CR12-0082 for the crime of 3 Counts Delivery of a Controlled Substance.

11909 In CR11-8658 Defendant waives the reading of the Information and understands the charges and penalties.

12032 In CR12-0082 Defendant understands the charges and penalties.

12048 Defendant indicates his name, date of birth and social security number are correct.

12052 Defendant enters not guilty pleas.

12104 Mr. Radakovich addresses the Court and is not consenting these cases be tried together and Mr. Radakovich anticipates filing Motion to Suppress in the possession case.

12146 Court sets jury trial for 6-4-12 at 9 a.m., pretrial motions along with supporting briefs due 4-12-12, responsive briefing due 4-26-12, pretrial motions will be

heard 5-17-12 at 2:30 p.m. if no motions are filed there will not be a hearing and final pretrial conference set for 5-24-12 at 3:30 p.m.

12306 Court recess.

FILED

2012 MAR 2 PM 1 59

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
Pattysamm
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

)
)
)
)
)
)
)
)
)
)

CASE NO. CR12-00082

ORDER SETTING JURY TRIAL
AND SCHEDULING PROCEEDINGS

The above-entitled case is hereby scheduled as follows:

JURY Trial shall commence on June 4, 2012 at the hour of 9:00 a.m.;

All pre-trial motions shall be filed on or before April 12, 2012;

Supporting Briefs due: April 12, 2012;

Responding Briefs due: April 26, 2012;

All pre-trial motions shall be heard at the hour of 2:30 p.m. on Thursday, May 17, 2012, with the defendant personally present at said hearing. If no motions are filed, there will be no hearing on this date.

ORDER SETTING JURY TRIAL AND
SCHEDULING PROCEEDINGS

Final pre-trial conference and the date and time by which plea bargaining must be completed May 24, 2012, at 3:30 p.m.

Dated this 2nd day of March, 2012.


CARL B. KERRICK-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER SETTING JURY TRIAL AND SCHEDULING PROCEEDINGS was:

✓ hand delivered via court basket, or

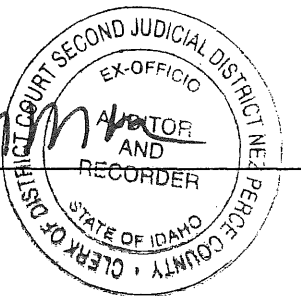
 mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 2nd day of March, 2012, to:

Danny Radakovich
1624 G Street
Lewiston ID 83501

Sandra Dickerson
P.O. Box 1267
Lewiston, ID 83501

PATTY O. WEEKS, Clerk

By *Patty O. Weeks*
Deputy



ORDER SETTING JURY TRIAL AND
SCHEDULING PROCEEDINGS

A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

April 12, 2012

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

**RE: STATE V. KYLE RICHARDSON
CASE NO. CV12-0082**

Dear Teresa:

Accompanying this letter please find the original and my blue file copy of a *Motion for Extension of Time to File Pre-Trial Motions*. Please file the original and then conform my blue file copy and return it to my office.

Thank you for your courtesy in this matter.

Sincerely,

Danny J. Radakovich

DJR:me

Enclosures

cc: Kyle Richardson (w/encls)
Nez Perce County Prosecuting Attorney (h/d w/encls)

DANNY J. RADAKOVICH
A Felony Public Defender
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED

2012 APR 12 PM 4 13

PATTY O. WE
CLERK OF THE DISTRICT COURT
Cindy Ocampo
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF

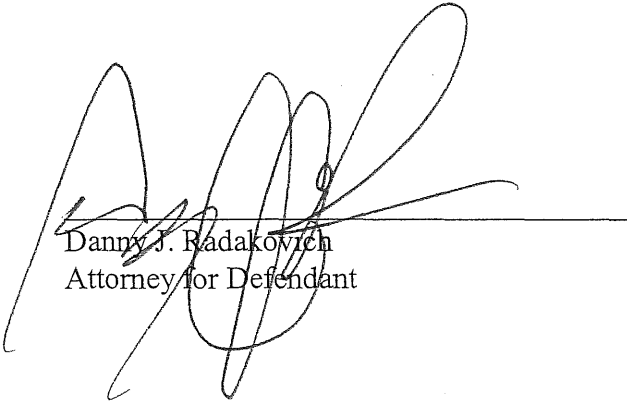
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	CASE NO. CR12-082
)	
Plaintiff,	)	MOTION FOR EXTENSION OF TIME
	)	TO FILE PRE-TRIAL MOTIONS
v.)	
)	
KYLE A. RICHARDSON,)	
)	
Defendant.)	

COMES NOW the defendant in the above-entitled matter, by and through his attorney of record herein, and hereby moves the court for an order allowing him an additional two (2) weeks, or until April 26, 2012, to file his pre-trial motions herein.

The motion is made on the grounds that the undersigned only received his copy of the preliminary hearing transcript on April 2, 2012, and needed that transcript in order to prepare his motions.

DATED this 12th day of April, 2012.



Danny J. Radakovich
Attorney for Defendant

MOTION FOR EXTENSION OF TIME
TO FILE PRE-TRIAL MOTIONS

I hereby certify that a true and
correct copy of the foregoing was
hand-delivered to:

Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501

on this 13th day of April, 2012.



Danny J. Radakovich

MOTION FOR EXTENSION OF TIME
TO FILE PRE-TRIAL MOTIONS

ORIGINAL

FILED

2012 MAY 1 AM 12 04

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

PATTY O. WEEKS
CLERK OF THE DIST. COURT
DEPUTY

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

MOTION FOR CONTINUANCE

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney for
Nez Perce County, State of Idaho and moves that the Jury Trial which was scheduled
for the 4th day of June, 2012, at the hour of 9:00am, be rescheduled for a time
convenient for all parties.

This Motion is made based on a key witness being unavailable from June 4,
2012 through June 8, 2012.

DATED this 1st day of May, 2012.


SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

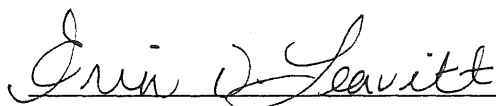
I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing MOTION FOR CONTINUANCE was

- (1) ✓ hand delivered, or
- (2) _____ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 1st day of May, 2012.



ERIN D. LEAVITT
Senior Legal Assistant

ORIGINAL

FILED

2012 MAY 3 PM 3 34

PATTY O. WELLS
IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

ORDER FOR CONTINUANCE

Having read and considered the foregoing Motion for Continuance, and being fully advised in this matter,

IT IS HEREBY ORDERED that the Jury Trial scheduled for the 4th day of June, 2012, at the hour of 9:00am, be rescheduled for the 20th day of August, at the hour of 9:00 Am.

DATED this 3rd day of May, 2012.

C. B. L.
JUDGE

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing, ORDER FOR CONTINUANCE, was


- (1) _____ hand delivered, or
- (2) ☒ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in the United States mail, addressed to the following:

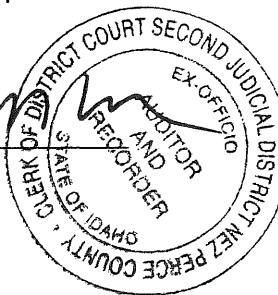
Prosecutor's Office
P. O. Box 1267
Lewiston, ID 83501

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 3rd day of May, 2012.

CLERK OF THE COURT


Deputy



DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

FILED
2012 JUL 31 AM 11 58
PATTY O. HILL
CLERK OF THE DIST. COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

REQUEST FOR DISCOVERY

TO THE ABOVE-NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence and materials:

1. Books, papers, documents, photographs, tangible objects or portions thereof, which are within the possession, custody, or control of the defendant, and which the defendant intends to introduce in evidence at trial;
2. All results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to

introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial, when the results or reports relate to testimony of the witness;

3. A list of names and addresses of witnesses the defendant intends to call at trial.

4. Please provide the State with a written summary or report of any expert witness testimony that the Defendant intends to introduce pursuant to Idaho Criminal Rules 702, 703 and 705 at trial or hearing in the above-captioned matter. Said summary must describe the expert's opinions, the facts and data for those opinions and the expert's qualifications. This request shall also include any expert opinions regarding mental health pursuant to Idaho Code Section 18-207.

The undersigned further requests permission to inspect and copy said information, within 14 days from the date of this request at the Prosecuting Attorney's Office, Lewiston, Idaho.

REQUEST FOR NOTICE OF DEFENSE OF ALIBI

Pursuant to Idaho Code Section 19-519 and Idaho Criminal Rule 12.1, the Prosecuting Attorney requests that you serve upon his office within ten days of your receipts of this request a written notice of the intention of your client to offer a defense of alibi in the above-referenced matter.

Such notice must state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 30 day of July 2012.



SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE


I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing REQUEST FOR DISCOVERY was

- (1) *lf* hand delivered, or
- (2) hand delivered via court basket, or
- (3) sent via facsimile, or
- (4) mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 31st day of July 2012.



ERIN D. LEAVITT
Senior Legal Assistant

ORIGINAL

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

FILED

2012 JUL 31 PM 4 29

PATTY O. WEBB
CLERK OF THE DIST. COURT

[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

MOTION TO ADMIT PRELIMINARY
HEARING TRANSCRIPT TESTIMONY
OF ROBERT BAUER – DECEASED

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney for Nez Perce County and moves this court for an order, pursuant to Idaho Rule of Evidence 804(b)(1), to allow the state to introduce the testimony of Robert Bauer, now deceased, through the reading of his preliminary hearing testimony at trial (Transcript is attached hereto as Exhibit A).

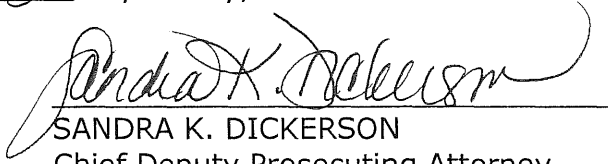
Mr. Bauer was the confidential informant in the matter before the court. He testified, in person, concerning this matter at preliminary hearing on February 22, 2012, where he was subject to full and effective cross examination by Defendant's counsel, Mr. Radakovich. Mr. Bauer is now deceased.

MOTION TO ADMIT PRELIMINARY HEARING
TRANSCRIPT TESTIMONY

The State also seeks to introduce audio evidence of the actual delivery between the defendant and Mr. Bauer, in addition to monitored telephone conversations between Mr. Bauer and Mr. Richardson setting up the specifics of the deliveries.

Based on the above, the State requests the court enter an order allowing the introduction of the above evidence at trial scheduled for August 20, 2012 or at such time thereafter when the matter goes to trial.

Respectfully submitted this 31st day of July, 2012


SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing MOTION was

- (1) 4 hand delivered, or
- (2) _____ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 31st day of July, 2012.


ERIN D. LEAVITT
Senior Legal Assistant

MOTION TO ADMIT PRELIMINARY HEARING
TRANSCRIPT TESTIMONY

EXHIBIT "A"

THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE ALAN RICHARDSON,

Defendant.

FILED

2012 MAR 27 AM 8 30

PATTY O. WELLS

CLERK OF THE DISTRICT COURT
TERESA DAMMON

CASE NO. CR 12-0082
DEPUTY

PRELIMINARY HEARING TRANSCRIPT
FEBRUARY 22, 2012
BEFORE THE HONORABLE KENT MERICA

APPEARANCES:

Ms. Sandra Dickerson, Deputy Prosecuting Attorney,
Nez Perce County Prosecutor's Office, P.O. Box 1267,
Lewiston, Idaho 83501, appearing for and on behalf
of the State of Idaho.

Mr. Danny J. Radakovich, Attorney at Law, 1624 G
Street, Lewiston, Idaho 83501, appearing for and on
behalf of the Defendant.

COPY

1		
2	WITNESS INDEX	
3		PAGE
4		
5	TESTIMONY OF BRETT DAMMON	
6	Direct Examination by Ms. Dickerson	4
7	Cross Examination by Mr. Radakovich	36
8	Redirect Examination by Ms. Dickerson	54
9	Recross Examination by Mr. Radakovich	55
10	Further Direct Examination by Mr. Radakovich	56
11	TESTIMONY OF ROBERT BAUER	
12	Direct Examination by Ms. Dickerson	56
13	Cross Examination by Mr. Radakovich	63
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

EXHIBIT INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT NO:

EVIDENCE

State's Exhibit No. 3	17
State's Exhibit No. 1	21
State's Exhibit No. 4	26
State's Exhibit No. 5	31
State's Exhibit No. 2	34

(February 22, 2012, 1:54 p.m.)

THE COURT: We are on the record in State of Idaho versus Richardson, this is the time set for preliminary hearing.

Is the State ready to proceed?

MS. DICKERSON: Yes, your Honor.

THE COURT: Defense?

MR. RADAKOVICH: Yeah, Judge.

THE COURT: Alright. Court will order the exclusion of witnesses and State can call its first witness.

MS. DICKERSON: State would call Detective Brett Dammon. I'll go get him, your Honor.

THE COURT: Thank you.

DETECTIVE BRETT DAMMON, having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to said cause, testifies and says:

DIRECT EXAMINATION

BY MS. DICKERSON:

Q. Good afternoon.

A. Hello.

Q. Would you state your name and spell your last for the record, please.

A. Detective Brett Dammon, D-a-m-m-o-n.

Q. And are you currently assigned a specific case load with LPD?

A. Yes, narcotics investigations.

Q. And how long have you held that position?

A. Approximately a year and a half.

Q. And, in fact, at some point in time were you the representative from Lewiston Police Department to the Quad Cities Drugs Task Force?

A. I was, yes.

Q. Approximately during your career, how many narcotics investigations have you been a party to?

A. I would say probably over three hundred.

Q. And as the detective, the narcotics detective for LPD, approximately how many?

A. Probably over two hundred.

Q. I want to direct your attention to an investigation that you began sometime in September of 2011 involving an individual by the name of Kyle Richardson?

A. Okay.

Q. Do you see Mr. Richardson in court?

A. I do.

Q. Would you point him out and describe what he's wearing for the record?

A. At the defense counsel table with a white

Q. And you say Detective Dammon, what agency are you currently with?

A. The Lewiston Police Department.

Q. How long have you been with LPD?

A. Approximately six years.

Q. And prior to that, any law enforcement experience?

A. Clarkston Police Department and the Nez Perce County Sheriff's Office.

Q. For a total of how many years in law enforcement?

A. Approximately nine years.

Q. And are you currently certified in Idaho to be a police officer?

A. I am.

Q. What level certification do you hold?

A. Intermediate.

Q. And, Detective Dammon, do you have any specialized training that would be of interest to the Court in this case?

A. Yes. Through POST, or the Police Officer's Training, I had drug investigations courses and drug identification courses, and I have also been to the 80-hour DEA Basic Narcotics Investigation School.

shirt.

MS. DICKERSON: May the record reflect that he's identified the Defendant?

THE COURT: It does.

BY MS. DICKERSON:

Q. Tell the Court how your investigation began involving Mr. Richardson.

A. I received information from a confidential informant that Mr. Richardson was selling methamphetamine.

MR. RADAKOVICH: Objection, that's hearsay.

MS. DICKERSON: Your Honor, it's not --

THE COURT: I'm going to allow for background purposes. The Court's not taking it for proof -- affirmative proof of the prima facie case.

BY MS. DICKERSON:

Q. And, Detective Dammon, after receiving this information, how did you proceed? Did you do anything?

A. Yeah, to further investigation we attempted to set up controlled deliveries involving Mr. Richardson and the informant.

Q. And exactly what is a controlled delivery?

A. It's basically having a confidential informant make contact with the target or the

1 suspect and then arrange an exchange of narcotics
2 under detective's direction.

3 Q. So when the control delivery is set up, do
4 you make recorded phone calls?

5 A. Yes.

6 Q. Do you provide prerecorded money?

7 A. Yes.

8 Q. And is the confidential source or the
9 confidential informant a party to the arrangements?

10 A. Yes.

11 Q. And once that is done, is the confidential
12 source wired?

13 A. Yes.

14 Q. And what about surveillance?

15 A. Yes. We attempt to conduct either visual
16 or listen to the audio recording or the
17 surveillance. Either visually or by audio maintain
18 control of the informant during the operation.

19 Q. And what's the purpose of that?

20 A. Just so we can see who the informant has
21 contact with, make sure it's only the suspect, and
22 make sure the confidential informant is only dealing
23 with that particular person.

24 Q. And so you said that this was what -- how
25 you began your investigation of Mr. Richardson?

10

1 made?

2 A. I directed the CI to make phone calls and
3 I directed the CI to try to make arrangements to
4 meet at that location with Mr. Richardson.

5 Q. Were those phone calls recorded?

6 A. Yes.

7 Q. Were you monitoring them at the time?

8 A. I could -- I could only overhear one part
9 of the conversation, the informant's.

10 Q. So the thirty-one hundred block of Hatwai
11 Road, was there any residence there?

12 A. No residence there, just storage units.

13 Q. And about what time did this occur, do you
14 recall?

15 A. If I can review my report.

16 Q. If that will help refresh your memory.

17 A. I know that in my report that
18 approximately 1802 hours or 6:02 hours the informant
19 arrived at that location.

20 Q. And the informant was checked for
21 contraband prior to sending him to that --

22 A. Yeah, before these we always search for
23 drugs, contraband or other money.

24 Q. And how does the informant arrive at the
25 place where the buy was going to take place?

1 A. That's correct.

2 Q. And you recall when the first date of a
3 controlled buy was set up?

4 A. Yes, I do.

5 Q. And when was that?

6 A. September 7th, 2011.

7 Q. And did you go through the procedures that
8 you talked here today about?

9 A. Yes.

10 Q. Confidential informants is wired?

11 A. Yes.

12 Q. Surveillance was maintained on the
13 confidential informant?

14 A. Yes.

15 Q. And prerecorded buy money was provided?

16 A. Yes.

17 Q. So on September 7th of 2011, where was the
18 first control buy to take place?

19 A. We made arrangements with Mr. Richardson
20 to meet at some storage units in the thirty-three
21 hundred block of Hatwai Road in Lewiston.

22 Q. That's in State of Idaho?

23 A. Yes.

24 Q. And when you say you made arrangements
25 with Mr. Richardson, how were those arrangements

11

1 A. On this occasion the informant had a
2 vehicle which we searched prior as well.

3 Q. No contraband was found?

4 A. Right.

5 Q. And the vehicle was followed to the
6 location?

7 A. That's correct.

8 Q. And what happened when the confidential
9 informant arrived at that location?

10 A. The confidential informant waited for a
11 time, and Mr. Richardson didn't show up so I
12 directed the informant to make another phone call to
13 Mr. Richardson, he advised he'd be there in a few
14 minutes, and a short time later Mr. Richardson
15 arrived in a black Chevrolet pickup.

16 Q. How do you know it was Mr. Richardson in
17 the black Chevrolet pickup?

18 A. Prior contacts with Mr. Richardson.

19 Q. And did you recognize the vehicle as being
20 one that Mr. Richardson drove?

21 A. Yes.

22 Q. Did you check the registration on that
23 vehicle at any time, do you know?

24 A. Afterwards I did, yes.

25 Q. And so Mr. Richardson arrived, were you

1 able to see him driving the vehicle?

2 A. I didn't see him driving the vehicle, but
3 after he exited the vehicle I had binoculars and I
4 was able to identify him as Kyle Richardson.

5 Q. Did you notice anybody else inside the
6 vehicle?

7 A. I did not.

8 Q. After Mr. Richardson exited his car or his
9 pickup, what did you observe?

10 A. I just in listening to the live body wire
11 recording, I was able to hear the informant make
12 contact with Mr. Richardson.

13 Q. What happened next?

14 MR. RADAKOVICH: Well, I'll object to
15 anything the -- I guess this is just prefatory,
16 anything the informant said during that conversation
17 as being hearsay.

18 THE COURT: He hasn't testified to
19 anything, so overruled.

20 MR. RADAKOVICH: Pardon.

21 THE COURT: He hasn't testified that the
22 informant said anything, so overruled.

23 MR. RADAKOVICH: Okay.

24 BY MS. DICKERSON:

25 Q. So after the informant made contact with

1 kit and then it's placed into evidence to be sent to
2 the Idaho State Crime Lab for analysis.

3 Q. And it goes up to Coeur d'Alene to the
4 criminalist?

5 A. Right.

6 Q. For a chemical test?

7 A. Correct.

8 Q. Do you receive a report back on that test?

9 A. Yes.

10 Q. And when you receive the report back, do I
11 ask you to match it up with what was sent?

12 A. Yes, you do.

13 Q. And did you do that?

14 A. Yes, I did.

15 Q. I'm going to have you handed what's been
16 marked as State's Exhibit No. 3 for purposes of
17 identification.

18 If I may approach, your Honor.

19 And, Detective, I want you to look at the
20 photograph marked as State's Exhibit No. 3, tell me
21 if you recognize that?

22 A. I do.

23 Q. How do you recognize that?

24 A. It appears to be the baggie or the
25 controlled substance given to me by the confidential

1 Mr. Richardson, what happened?

2 A. They had contact, spoke, and then after a
3 few minutes they broke contact and Mr. Richardson
4 left the area.

5 Q. Okay. And then did you make contact with
6 the confidential informant at that time?

7 A. Yes, afterwards I did.

8 Q. And what's -- after a controlled buy has
9 presumably taken place, what's the procedure next?

10 A. Make contact with the confidential
11 informant, they will give us the product or the
12 narcotics that was purchased, we will again
13 post-search the informant for any other drugs,
14 contraband or moneys left over, and then we will
15 conduct a recorded debrief with the informant.

16 Q. Did you follow that procedure in this
17 case?

18 A. Yes.

19 Q. Did the confidential informant, in fact,
20 provide you with a substance?

21 A. Yes.

22 Q. And what's done with the substance that
23 you are provided?

24 A. Afterwards I take it to the Lewiston
25 Police Department where I test it with a field test

1 informant after the exchange.

2 Q. Okay. And this is from the controlled buy
3 that was set up on September the 7th of 2011?

4 A. That's correct.

5 Q. And did you take the photograph of this?

6 A. I did.

7 MS. DICKERSON: Your Honor, we'd move for
8 the admission of State's Exhibit No. 3.

9 MR. RADAKOVICH: Question in aid of
10 objection?

11 THE COURT: Uh-huh.

12 BY MR. RADAKOVICH:

13 Q. Did you say the CI gave you a bag or more
14 than one bag?

15 A. On this occasion just one bag.

16 Q. So doesn't Exhibit 3 show two bags?

17 A. Yes, it does.

18 Q. Or are my eyes tricking me?

19 A. One of them's a field test kit.

20 MR. RADAKOVICH: Well, I'll object to the
21 photo on the basis it contains something which is
22 not been qualified by testimony yet.

23 THE COURT: Why don't you ask some more
24 questions. I'll sustain the objection.

25 BY MS. DICKERSON:

1 Q. When you received the bag from the
2 confidential informant in State's Exhibit No. 3,
3 what is next to it is a blue -- what looks like a
4 blue bag?

5 A. Uh-huh.

6 Q. Can you explain what that is to the Court?

7 A. That's a methamphetamine field test kit to
8 preliminary test the narcotics, and the blue
9 indication would mean if tested positive for
10 methamphetamines.

11 Q. And that's just a presumptive test?

12 A. That's right.

13 Q. That's done prior to you sending it to the
14 lab for specific testing on the substance; is that
15 correct?

16 A. That's correct, yes.

17 Q. And that's what we are looking at in
18 State's Exhibit No. 3?

19 A. That's correct.

20 Q. Are there procedures that you follow on
21 the NIC test to open it, put the substance in?

22 A. Yes, there is.

23 Q. And did you follow those procedures?

24 A. I did.

25 MS. DICKERSON: Again, your Honor, we'd

1 substance that went up to the lab?

2 A. I did.

3 Q. And it is match?

4 A. Yes.

5 Q. And it pertains to this case and you know
6 that how?

7 A. Because on the lab report it notes the
8 exhibit number for the project that was entered into
9 our Spillman System, the case number, the
10 Defendant's name is on it as well.

11 MS. DICKERSON: Your Honor, for purposes
12 of preliminary hearing, we'd move for the admission
13 of State's Exhibit 1.

14 MR. RADA KOVICH: Question in aid of
15 objection?

16 THE COURT: Yeah.

17 BY MR. RADA KOVICH:

18 Q. Do you see about two inches down from the
19 top toward the right, Detective, it says "crime
20 date"?

21 A. I do.

22 Q. What's that say?

23 A. September 9th, 2011.

24 Q. And you are aware that the Complaint filed
25 in this case alleges the crime occurred on

1 move for the admission of State's Exhibit No. 3.

2 MR. RADA KOVICH: No objection for purposes
3 of this prelim.

4 THE COURT: State's 3 is admitted.

5 (Thereupon, State's Exhibit No. 3 was
6 admitted into evidence.)

7 BY MS. DICKERSON:

8 Q. May the record reflect I'm handing the
9 witness what's been marked as State's Exhibit No. 1.
10 Detective Dammon, you had previously testified that
11 you send up the substance to the forensic lab for
12 analysis; is that correct?

13 A. That's correct.

14 Q. And you also previously testified that you
15 get a report back and match that up with the actual
16 evidence that was submitted?

17 A. That's correct.

18 Q. And I'd ask you to look at State's Exhibit
19 No. 1 and tell me if you recognize that document?

20 A. I do, I recognize it as the lab result
21 return back from the crime lab.

22 Q. And this is on the purchase that was
23 completed on September 7th of 2011?

24 A. That's correct.

25 Q. And did you match this up with the actual

1 September 7th?

2 A. That's correct.

3 Q. And you, in fact, yourself have testified
4 the allege crime occurred on September 7th?

5 A. That's correct.

6 Q. Then I guess my other question is when I
7 look at the case number, did you use a separate case
8 number for each attempted buy allegedly from my
9 client?

10 A. No, just -- it's all under the same case
11 number.

12 Q. Okay. So there is nothing about this that
13 makes -- about this report Exhibit 1 that makes it
14 unique to the alleged September 7th transaction?

15 A. The Exhibit number when I entered the
16 property into evidence is the same.

17 Q. Is there something in your report that
18 shows the exhibit number?

19 A. Not in my report, no.

20 Q. Is there something anywhere that shows
21 that exhibit number I mean here today other than
22 this paper Exhibit 1?

23 A. I don't have the piece of evidence with me
24 but on the face sheet from our Spillman entry it
25 shows the date I entered it into evidence and the

1 evidence number.

2 Q. Where would that be, is it in this
3 paperwork?

4 A. The face sheet should be in your
5 paperwork, I don't know.

6 Q. Can you show me what that looks like so I
7 can find it.

8 And we are on -- where on that face sheet
9 would I look?

10 A. Down towards the center where it states
11 involvements.

12 Q. Yeah.

13 A. The property number noted on the lab
14 report is 145144, so you should see the Record
15 No. 145144.

16 Q. I see that, yes.

17 A. Okay.

18 Q. And that's dated the 8th of September?

19 A. Yes, that would be the date that I placed
20 the item into evidence.

21 Q. Okay.

22 MR. RADAKOVICH: Judge, for purposes of the
23 prelim, I have no objection.

24 THE COURT: Okay. State's Exhibit I is
25 admitted.

1 1424 Main Street in Lewiston.

2 Q. That's State of Idaho?

3 A. That's correct.

4 Q. And did you go through the similar
5 procedures that you earlier testified to, the
6 confidential informant was searched?

7 A. Yes.

8 Q. Had a body wire?

9 A. Yes.

10 Q. Did he also take his vehicle to this
11 alleged buy?

12 A. On this particular one, no, we actually
13 dropped him off at that location.

14 Q. So it wasn't necessary to search the
15 vehicle?

16 A. Correct.

17 Q. But he was searched?

18 A. Yes.

19 Q. No contraband was found?

20 A. That's correct.

21 Q. Approximately how much money -- control
22 buy money was given to him on that day?

23 A. Four hundred dollars.

24 Q. And what were you attempting to purchase
25 as far as the weight was concerned?

1 (Thereupon, State's Exhibit No. 1 was
2 admitted into evidence.)

3 BY MS. DICKERSON:

4 Q. Now, Detective Dammon, how much money was
5 paid for the amount of methamphetamine delivered on
6 9-7, 2011?

7 A. Two hundred dollars.

8 Q. Approximately what was the weight on that?

9 A. When I weighed it, it was -- the total
10 package including the baggie was four grams.

11 Q. So about an even ounce?

12 A. Uh-huh.

13 Q. Was this the only delivery -- controlled
14 delivery that was conducted involving
15 Mr. Richardson?

16 A. No, it was not.

17 Q. When was the next delivery set up?

18 A. On September 9th, 2011.

19 Q. And you are using the same confidential
20 informant?

21 A. That's correct.

22 Q. And where was this delivery to take place?

23 A. I directed the informant to make
24 arrangements for the delivery to occur or for the
25 meet to occur at the community center parking lot at

1 A. In recorded phone calls prior to that to
2 make arrangements, there was discussion about
3 purchasing a half ounce of methamphetamine.

4 Q. For four hundred dollars?

5 A. Yes.

6 Q. And so the confidential informant was
7 taken to this area and dropped off?

8 A. That's correct.

9 Q. And were you able to observe him?

10 A. Yes.

11 Q. And did Mr. Richardson's vehicle arrive?

12 A. Yes.

13 Q. About what time, do you recall?

14 A. If I can review my report.

15 Q. If that will help.

16 A. I noted in my report that approximately
17 1414 hours or 2:14 I observed Richardson's black
18 Chevrolet pickup arrive in the parking lot.

19 MR. RADAKOVICH: At what time was that,
20 Judge?

21 A. 2:14.

22 BY MS. DICKERSON:

23 Q. That's in the afternoon?

24 A. Correct.

25 Q. So you see Mr. Richardson's vehicle

1 arrive, were you able to see Mr. Richardson in the
2 vehicle?

3 **A.** No, I wasn't able to identify him at that
4 time.

5 **Q.** This was the same vehicle that had arrived
6 at the previous controlled buy out on Hatwai Road?

7 **A.** It appeared to be the same vehicle, yes.

8 **Q.** So the vehicle arrives, what does the
9 confidential informant do?

10 **A.** I observed the confidential informant
11 enter the passenger seat of Mr. Richardson's
12 vehicle.

13 **Q.** Was there anyone else in the vehicle that
14 you could see?

15 **A.** Not that I could see, no.

16 **Q.** And what happened next?

17 **A.** They left the parking lot and went
18 westbound towards 13th Street -- or towards the
19 courthouse here, and basically made a loop around
20 the block and the informant was dropped off on the
21 Main Street side by Les Schwab.

22 **Q.** Approximately how long were they in the
23 vehicle?

24 **A.** I would say approximately five minutes.

25 **Q.** So they made a loop around the block,

1 **Q.** For the \$400?

2 **A.** That's correct.

3 **Q.** And there is a cigarette package next to
4 it, why is that there?

5 **A.** The methamphetamines was initially in the
6 cigarette carton.

7 **MS. DICKERSON:** Your Honor, we'd move for
8 the admission of State's Exhibit?

9 **MR. RADAKOVICH:** Did he say that the
10 alleged drugs were in the cigarette pack?

11 **A.** Yes, when I was given -- when the
12 informant gave it to me it was in that.

13 **MR. RADAKOVICH:** No objection for purposes
14 of the prelim.

15 **THE COURT:** Okay. Exhibit 4 is admitted.

16 (Whereupon, State's Exhibit No. 4 was
17 admitted into evidence.)

18 **BY MS. DICKERSON:**

19 **Q.** Was that the last -- I'm sorry. Was that
20 suspected substance sent up to the lab as well?

21 **A.** Yes, it was.

22 **Q.** Did you receive a report back?

23 **A.** Yes, I did.

24 **Q.** And did you check that with the actual
25 drugs that were submitted to make sure that they

1 dropped the confidential informant off at Schwab?

2 **A.** Yes.

3 **Q.** And what did you do?

4 **A.** I had the informant walk back towards the
5 community center parking lot where I picked the
6 informant back up.

7 **Q.** And what, if anything, were you provided
8 on that day?

9 **A.** The informant gave me the suspected
10 methamphetamines purchased from Mr. Richardson and I
11 later weighed it and the total package weight was 15
12 grams.

13 **Q.** If the record would reflect, I'm
14 approaching the witness with what's been marked as
15 State's Exhibit No. 4.

16 **Detective Dammorn,** do you recognize what's
17 been marked as State's Exhibit No. 4?

18 **A.** I do.

19 **Q.** How do you recognize it?

20 **A.** It appears the photograph I took of the
21 methamphetamines given to me by confidential
22 informant purchased from Mr. Richardson.

23 **Q.** And that was what was purchased on 9-9 of
24 2011?

25 **A.** That's correct.

1 matched?

2 **A.** Yes, I did.

3 **Q.** Exhibit numbers were the same?

4 **A.** Yes.

5 **Q.** Was that the last controlled buy with
6 Mr. Richardson?

7 **A.** No, it was not.

8 **Q.** And when was the next buy?

9 **A.** September 14, 2011.

10 **Q.** And where did that take place?

11 **A.** I directed the CI to make arrangements to
12 be picked up by Mr. Richardson in approximately the
13 seven hundred block of 14th Street in Lewiston.

14 **Q.** And that's still in the State of Idaho?

15 **A.** That's correct.

16 **Q.** And about what time was that to occur?

17 **A.** If I can refer to my report for the exact
18 time.

19 **Q.** Sure.

20 **A.** I note in my report I dropped the
21 informant off at that location at approximately 1334
22 hours or 1:34 hours.

23 **Q.** That's in the afternoon again?

24 **A.** That's correct.

25 **Q.** And did you observe the same pickup

1 arrive?

2 A. Yes, I did.

3 Q. And were you able to see who was driving
4 the pickup at that time?

5 A. I was not.

6 Q. But it was the same pickup that had been
7 at the last two controlled buys?

8 A. That's correct.

9 Q. The one that Mr. Richardson had driven to
10 the original buy?

11 A. That's correct.

12 Q. And what happened next?

13 A. The CI entered the passenger side of the
14 vehicle and again they drove northbound towards Main
15 Street. We did lose surveillance of the vehicle for
16 a short period, however located it a short time
17 later in the parking lot of Dairy Queen at 13th and
18 Main. When it left there it basically went around
19 the block and the CI exited the vehicle in the same
20 location he or she was picked up.

21 Q. Back towards the thirteen hundred --

22 A. Seven hundred blocked of 14th Street,
23 correct.

24 Q. Now, you say that you lost surveillance of
25 the vehicle for approximately how long?

30

1 pay back a debt from the September 9th purchase
2 because we were actually fronted or given an extra
3 quarter ounce which is \$400. So we paid back our
4 debt and then we used the remaining \$800 to purchase
5 the methamphetamines on September 14.

6 Q. And how many baggies were you provided of
7 suspected controlled substance on at that day?

8 A. Two.

9 Q. If the record would reflect I'm
10 approaching the witness with what's been marked as
11 State's Exhibit No. 5.

12 Detective Dammon, can you look at what's
13 been marked as State's Exhibit No. 5 and tell me if
14 you recognize that document?

15 A. I do. It appears to be the two baggies
16 given to me by the confidential informant that was
17 purchased during this exchange.

18 Q. There's three baggies in the picture,
19 what's the blue baggie?

20 A. That would be the presumptive field test
21 kit for methamphetamines.

22 Q. And this is similar to the same type of
23 presumptive test that you utilized on the buy on 9-7
24 of 2011; is that correct?

25 A. That's correct.

1 A. I would say approximately one or two
2 minutes.

3 Q. So not enough time for the vehicle to go
4 from Lewiston to Clarkston?

5 A. No.

6 Q. And after the CI was dropped off at the
7 seven hundred block again, what did you do?

8 A. I again picked the informant up, took him
9 back to what we call the debriefing location, the CI
10 provided me with the suspected methamphetamines
11 purchased, again the CI was post-searched for any
12 other drugs, contrabands or money, and a recorded
13 debrief was conducted with the informant.

14 Q. And how -- how much methamphetamine were
15 you attempting to buy on that day?

16 A. We -- I directed the CI during the
17 recorded phone calls to attempt to purchase one
18 ounce of methamphetamines; however, we didn't
19 receive that much.

20 Q. And how much money was he provided on that
21 day?

22 A. I provided him with twelve hundred dollars
23 of prerecorded buy money.

24 Q. Twelve hundred dollars?

25 A. Yes. Four hundred dollars of it was to

31

1 Q. I believe that's shown in State's Exhibit
2 No. 3; correct?

3 A. Correct.

4 MS. DICKERSON: Your Honor, we'd move for
5 the admission of State's Exhibit No. 5.

6 MR. RADAKOVICH: Question in aid of
7 objection.

8 BY MR. RADAKOVICH:

9 Q. Did you test one or both bags with this
10 test kit, Officer?

11 A. Just one.

12 Q. So which one was tested?

13 A. I don't recall.

14 MR. RADAKOVICH: Well, I'll object to the
15 entry of this photograph, there's no showing which
16 of these bags the test kit was used on, therefore
17 the test kit to me is irrelevant. There's just no
18 way to identify what was tested.

19 THE COURT: Okay. Overruled, 5 will be
20 admitted.

21 (Thereupon, State's Exhibit No. 5 was
22 admitted into evidence.)

23 BY MS. DICKERSON:

24 Q. Now, Detective Dammon, were both of these
25 bags also submitted to the forensic lab in

1 Coeur d'Alene?
 2 A. Yes, they were.
 3 Q. And did you receive a report back on that
 4 as well?
 5 A. I did.
 6 Q. And did you match the item numbers up with
 7 what was tested?
 8 A. Yes, I did.
 9 Q. Is it procedure that they test both bags
 10 if there is not enough weight to pop it over into a
 11 trafficking offense?
 12 A. I don't really know.
 13 Q. That's fair. Did you receive back a
 14 report?
 15 A. Yes, I did.
 16 Q. Let the record reflect I'm handing the
 17 witness what's been marked as State's Exhibit No. 2.
 18 Detective Dammon, would you look at what's
 19 been marked as State's Exhibit No. 2 and tell me if
 20 you recognize the document?
 21 A. I do. It's a lab report -- lab results
 22 report back from the Idaho State Crime Lab.
 23 Q. And this lab results contains the results
 24 for both the buy on 9-9 and 9-14 as well?
 25 A. That's correct.

1 report relates to these two bags?
 2 A. That's correct.
 3 Q. Do you know which of these two bags was
 4 tested?
 5 A. Analyzed one was 6.75 grams. I believe the
 6 one on the left would be the one with the smaller
 7 quantity, the 6.75 grams.
 8 MR. RADAKOVICH: Well, Judge, I'm going to
 9 go back and renew my objection to 5 as there being
 10 no proof that the other bag shown in 5 contains
 11 methamphetamine, and therefore the exhibit is
 12 inappropriate.
 13 THE COURT: Well, I'm going to overrule
 14 the objection. It depicts -- what it purports to
 15 depict the drugs that were tested positive and
 16 that's what it -- he's testified --
 17 MR. RADAKOVICH: Well --
 18 THE COURT: No, I'm making my ruling.
 19 MR. RADAKOVICH: Alright.
 20 THE COURT: He's testified that the drugs
 21 on the left which I assume is as he views them,
 22 would be the smaller of the two bags is the bag that
 23 was -- was the bag that was tested, so I'm going to
 24 overrule and admit State's Exhibit 2.
 25 (Thereupon, State's Exhibit No. 2 was

1 Q. And how do you know that?
 2 A. By looking at the case number, the
 3 suspect's name, and the exhibit numbers.
 4 Q. And the exhibit numbers match up to the
 5 exhibit numbers from the buys on those days?
 6 A. That's correct.
 7 MS. DICKERSON: Your Honor, we'd move for
 8 the admission of State's Exhibit 2.
 9 MR. RADAKOVICH: Question in aid of
 10 objection.
 11 THE COURT: Okay.
 12 BY MR. RADAKOVICH:
 13 Q. Item 2, Officer, relates to Exhibit 4;
 14 correct?
 15 A. Yes, that's correct.
 16 Q. So you didn't send in Exhibit 4 in
 17 immediately?
 18 A. I don't send anything to the lab, so I
 19 don't know when they would send it.
 20 Q. Okay. And then item 3 appears to say that
 21 that was a plastic bag with two plastic bags within
 22 and only one was analyzed; Correct?
 23 A. That's what it states. Analyzed one was
 24 6.75 grams, that's correct.
 25 Q. That relates -- that item on the lab

1 admitted into evidence.)
 2 BY MS. DICKERSON:
 3 Q. Detective Dammon, during the time that you
 4 were monitoring the body wires on the buy on 9-7, on
 5 9-9, and 9-14, at any time did the confidential
 6 informant make contact with any other individual?
 7 A. Yes.
 8 Q. What was that?
 9 A. On September 9th, the informant -- after
 10 the informant was dropped off at Les Schwab after
 11 the exchange, the informant did have contact with a
 12 employee of the business where there was a brief
 13 conversation.
 14 Q. Okay. Were you able to observe that
 15 contact?
 16 A. Yes.
 17 Q. And did you see anything exchange hands?
 18 A. No.
 19 Q. And what about any other time, was there
 20 any other time that you while monitoring the body
 21 wire heard anyone else's voice other than your
 22 confidential informant and the other male?
 23 A. On September 14 prior to Mr. Richardson
 24 arriving, the informant did have contact or verbally
 25 talk with another male subject in a vehicle that

1 passed by.

2 Q. And did you observe that contact as well?

3 A. I did not.

4 Q. So you don't know whether on the 14th
5 whether anything could have exchanged hands?

6 A. I do not.

7 Q. Okay. And other than that, any other
8 contact?

9 A. No.

10 Q. So the only contact with the exception of
11 the two that you have testified to today was with
12 the individual that you originally identified on
13 9-7, 2011, arriving in the black pickup truck at the
14 Hatwai Road set-up meeting?

15 A. That's correct.

16 Q. And that's the individual that you
17 identified in court today as Mr. Richardson?

18 A. That's correct.

19 MS. DICKERSON: I don't have anything
20 further.

21 CROSS EXAMINATION

22 BY MR. RADAKOVICH:

23 Q. Let me understand this, Officer. On the
24 9th you never observed -- personally observed
25 Mr. Richardson?

1 exchange of money for alleged drugs?

2 A. That's correct.

3 Q. And this time the CI had contact with
4 someone in a car apparently driving by where the CI
5 was?

6 A. That's correct.

7 Q. And if I understand it right, you weren't
8 able -- you didn't observe that contact?

9 A. I did not.

10 Q. Why did you not observe that?

11 A. I wasn't in a location to observe it.

12 There was other detectives assisting with
13 surveillance --

14 Q. But you didn't see it?

15 A. Correct.

16 Q. It's not uncommon, is it, for people
17 allegedly in the drug culture to borrow each other's
18 vehicle, is it? You have seen that?

19 A. I don't know -- I mean, I don't know. I
20 guess at times people borrow vehicles, yes.

21 Q. Okay. Let me ask you this, let's go back
22 to the first alleged delivery, that one was at a set
23 of storage units at thirty-one hundred Hatwai Road?

24 A. Thirty-three hundred, yes.

25 Q. Thirty-three hundred?

1 A. I did not.

2 Q. Never laid eyes on him in the flesh?

3 A. I couldn't identify him, no.

4 Q. Did that pickup have tinted windows?

5 A. I do not believe so.

6 Q. But you still couldn't see in there and
7 identify him as the driver?

8 A. That's correct.

9 Q. And whoever was driving that vehicle never
10 got out of the pickup?

11 A. That's correct.

12 Q. And you then never observed an exchange
13 with your eyes, observed an exchange of drugs for
14 money on the 9th?

15 A. That's correct.

16 Q. And that was the same day that informant
17 briefly made contact with someone at Les Schwab
18 after the alleged buy?

19 A. That's correct.

20 Q. Well, I'll come back to that in a minute.

21 Now the 14th of September, once again you never
22 physically laid eyes on Mr. Richardson; is that
23 right?

24 A. That's correct.

25 Q. And you never with your eyes observed an

1 A. Yeah.

2 Q. I have seen both numbers but it's
3 thirty-three hundred?

4 A. Yeah, I believe the exact address is 3303
5 Hatwai Road.

6 Q. Okay. And you met with the confidential
7 informant beforehand to search this person?

8 A. Correct.

9 Q. Is this person still working for you?

10 MS. DICKERSON: Objection, relevance.

11 MR. RADAKOVICH: Well, it's prefatory.

12 THE COURT: How is it relevant?

13 BY MR. RADAKOVICH:

14 Q. Okay. Well, who is the confidential
15 informant?

16 A. The confidential informant in this case
17 is Robert Bauer.

18 Q. Robert Bauer?

19 A. Yes.

20 Q. Mr. Bauer doing this work to work off a
21 crime?

22 A. Yes.

23 Q. What kind of crime?

24 A. Drug crime.

25 Q. Okay. Felony?

1 A. Yes.
 2 Q. And were these his three buys that he
 3 needed to make in order to do that or did he make
 4 more than three?
 5 A. This would have gave him consideration on
 6 those charges, yes.
 7 Q. Did they get dismissed?
 8 A. The charges?
 9 Q. Uh-huh.
 10 A. They have never been filed.
 11 Q. Oh, okay. So this is one of these if you
 12 help us, we won't file?
 13 A. You can potentially gain consideration on
 14 the charges, yes.
 15 Q. And have they still never been filed?
 16 A. Not as of yet, no.
 17 Q. So based on your involvement with
 18 Mr. Bauer, you are aware that he's to some extent a
 19 member of the criminal milieu?
 20 A. I know he does have a prior criminal
 21 history, yes.
 22 Q. Including felonies?
 23 A. Yes.
 24 Q. So, you met him at 6:02 hours, that's
 25 p.m., this is on --

1 did Sparks do it?
 2 A. Detective Sparks did, yes.
 3 Q. And how is that searched, you look in the
 4 trunk, you look under the seats?
 5 A. Yes.
 6 Q. Do you look in every possible orifice in
 7 that car?
 8 A. Yes.
 9 Q. You don't run a drug dog over it, right?
 10 A. No.
 11 Q. And you would agree with me this baggie
 12 that we are talking about here is pretty small?
 13 A. Yes.
 14 Q. Would you say that's a two by three
 15 baggie?
 16 A. Yes.
 17 Q. And so when the CI left, Mr. Bauer left
 18 that location to go toward the meet, you and Sparks
 19 would have followed him?
 20 A. Yes, or one of the other detectives
 21 assisting, yes.
 22 Q. So you don't remember who was with you
 23 when you took off?
 24 A. Detective Sparks would have been with me
 25 on that date.

1 A. Which date?
 2 Q. On the 7th.
 3 A. In my -- in my report initially I had
 4 contact with him at 10:00 o'clock.
 5 Q. Okay. When did you meet him to search
 6 him?
 7 A. If I can review my report I can give you
 8 the time.
 9 Q. Sure. Any time you want to look at your
 10 report, you don't even have to ask me. You might
 11 have to ask the judge but not me.
 12 A. I know at approximately 1735 or 5:35 hours
 13 on that date I had contact with the informant where
 14 he was searched.
 15 Q. Okay. And was anyone with you when that
 16 happened other than him?
 17 A. Detective Sparks was with me, yes.
 18 Q. And where did that search take place?
 19 A. I don't recall where we met. We meet in a
 20 lot of different locations.
 21 Q. Sure. And then that would have been the
 22 one where he would have had his own car?
 23 A. That's correct.
 24 Q. And at that point then you would have
 25 searched him and then you searched his vehicle or

1 Q. Okay. And you don't know whether you or
 2 one of the other detectives actually surveilled
 3 Mr. Bauer on the way to the meet?
 4 A. I don't recall if it was me or not.
 5 Q. Okay. That would be in your report?
 6 A. It potentially could be, yes.
 7 Q. And whoever was following him, would they
 8 have had a dash cam in their car?
 9 A. No.
 10 Q. So those were available but not used?
 11 A. In -- no detective I know in an unmarked
 12 car has a dash cam.
 13 Q. Okay. But you didn't have a hand-held
 14 video camera?
 15 A. No.
 16 Q. And once he got to the storage units, then
 17 he parked where you could see him or not?
 18 A. Yes, he did park where I could see him.
 19 Q. And you saw the black pickup arrive?
 20 A. That's correct.
 21 Q. And that's the occasion where you saw
 22 Mr. Richardson get out of the black pickup?
 23 A. That's correct.
 24 Q. Now from where you were, did you see the
 25 confidential informant hand anything to

1 Mr. Richardson?

2 A. I do not recall that, no.

3 Q. And did you see Mr. Richardson hand
4 anything to the confidential informant?

5 A. No.

6 Q. So you did not observe an exchange?

7 A. No.

8 Q. When you got the bag, did you fingerprint
9 it?

10 A. I did not.

11 Q. So you have no idea whether

12 Mr. Richardson's prints are on that bag?

13 A. I do not.

14 Q. Okay. Let me ask you this, this money,
15 this two hundred dollars, was -- you call it
16 reported, what you do in your procedure, is it not
17 correct, is you take photocopies of it on a
18 photocopier?

19 A. That's correct.

20 Q. And did you ever find this money in the
21 possession of Mr. Richardson?

22 A. No, I did not.

23 Q. Did you ever find this money in the
24 possession of anybody?

25 A. No, I have not.

1 Q. And you wouldn't have tested him when he
2 got back to see if he had substances in his system?

3 A. No.

4 Q. Did you test him before he took off?

5 A. No.

6 Q. Okay. Let's go to Count 2 which is the
7 alleged delivery on the 9th of September. It was
8 the same confidential informant; right?

9 A. That's correct.

10 Q. Same search procedure?

11 A. That's correct.

12 Q. In my notes I missed where was the alleged
13 buy, where did that occur?

14 A. The informant and Mr. Richardson initially
15 contacted each other, met with each other in the
16 parking lot of the community center.

17 Q. Okay. So parking lot of community center,
18 and you never saw -- physically laid eyes on
19 Mr. Richardson, I think you told us that day?

20 A. Just his vehicle, yes.

21 Q. Okay. And -- but anybody could have been
22 driving that vehicle, right?

23 A. In listening to the body wire recording --

24 Q. I didn't ask you what the body wire said.

25 Anybody could have been driving it; correct?

1 Q. And when you searched the confidential
2 informant afterwards, you had searched him after the
3 alleged delivery; right?

4 A. That's correct.

5 Q. He had no money of any kind on him at all?

6 A. On this occasion he had fifty dollars that
7 was not used in the transaction, it was prerecorded
8 buy money but he did not use it.

9 Q. Okay. But when you searched him
10 beforehand, he had no money on him at all?

11 A. That's correct.

12 Q. Now, from where you were observing this
13 alleged buy, could you see Mr. Richardson's hands?

14 A. Probably not very well.

15 Q. But you were using by binoculars, right,
16 or did I get that wrong?

17 A. That's correct.

18 Q. Could you see whether he had gloves on?

19 A. I could not see that, no.

20 Q. How far away would you say you were?

21 A. I would say maybe a hundred yards.

22 Q. Do you know whether the confidential
23 informant did any drugs at the time of that alleged
24 exchange?

25 A. That I do not know.

1 A. Yes.

2 Q. And, again, you saw no exchange that day?

3 A. That's correct.

4 Q. Did you fingerprint the baggie?

5 A. I did not.

6 Q. Not having seen Mr. Richardson, you have
7 no idea whether he was wearing gloves that day?

8 A. I don't know, no.

9 Q. So when you got there, the confidential
10 informant got into the pickup and the vehicle drove
11 toward the courthouse, drove around a little bit,
12 ultimately the guy was dropped off at Les Schwab?

13 A. That's correct.

14 Q. And that was the one where he did have
15 some conversation with another person before
16 Mr. Richardson arrived?

17 A. No, actually he had conversation after the
18 exchange, after he was dropped off.

19 Q. Oh, okay. That was in the Les Schwab
20 parking lot?

21 A. That's correct.

22 Q. How far away were you when the informant
23 was dropped off in the parking lot? Were you inside
24 when he was dropped off?

25 A. Inside of --

- 1 Q. Of the informant?
 2 A. Inside of the informant?
 3 Q. Yeah.
 4 A. Yeah, actually I pulled up in a parking
 5 lot just west of Les Schwab.
 6 Q. Would that be like what, like the Eagles,
 7 Dairy Queen?
 8 A. No, that would be like the Any Time.
 9 Q. Oh, the Any Time, okay. And were you
 10 using binoculars to observe the informant?
 11 A. No.
 12 Q. So when he had this contact with this
 13 person in the Les Schwab parking lot, you really
 14 weren't able to have a definite view of whether
 15 there was anything exchanged between them?
 16 A. I think I was. I wasn't that far away I
 17 could have seen some exchange between the two of
 18 them.
 19 Q. Oh, the same distance away or closer than
 20 when you allegedly observed the first?
 21 A. Much closer, yes.
 22 Q. Okay. But you weren't in the Les Schwab
 23 parking lot?
 24 A. No.
 25 Q. And where was the confidential informant

- 1 Q. And never fingerprinted the bag?
 2 A. No, I have not.
 3 Q. And then the last alleged delivery, again
 4 you couldn't see who was driving the vehicle?
 5 A. That's correct.
 6 Q. And you never physically laid eyes on
 7 Mr. Richardson?
 8 A. That's correct.
 9 Q. Let me ask you this, I forgot, the second
 10 alleged buy, you said you thought there wasn't
 11 anybody else in the pickup but you really weren't
 12 able to tell that by observing, were you?
 13 A. That's correct.
 14 Q. Could have been someone else in there?
 15 A. Sure.
 16 Q. Now the same on the third alleged buy?
 17 A. Correct.
 18 Q. And then was this the one where there was
 19 four hundred in buy money or there was eight hundred
 20 and four of it was for a previous delivery?
 21 A. That's correct.
 22 Q. But you never observed the informant give
 23 any of that money to Mr. Richardson; right?
 24 A. I did not.
 25 Q. Now, that's the one where you lost

- 1 dropped off at Les Schwab?
 2 A. In the front of the store, in the parking
 3 lot in the front of the store on the north side next
 4 to Main Street.
 5 Q. So right next to the building?
 6 A. Yeah, in - right of the building,
 7 correct.
 8 Q. Okay. So the way as I recollect, there's
 9 the parking lot in front and then there's the
 10 street, and then there's their axillary parking lot
 11 to the west and then there's other property?
 12 A. Yes.
 13 Q. So there was at least whatever distance
 14 from that parking lot where he was in front of the
 15 building, the width of the street, and then the
 16 width of the axillary parking lot, at least that
 17 much between you and these two people when they
 18 talked?
 19 A. That's correct.
 20 Q. Now, did you ever find any of this money
 21 that was the recorded buy money from this occasion?
 22 A. No, I did not.
 23 Q. You have never found any of it in the
 24 possession of my client?
 25 A. I have not.

- 1 surveillance, and I'm a little confused was it while
 2 he was on the way to the meet or it was after he was
 3 picked up by the pickup?
 4 A. Yes.
 5 Q. And you lost surveillance for, did you
 6 say, a minute to two minutes?
 7 A. Yes.
 8 Q. And how did you lose surveillance?
 9 A. Just the nature of doing these kind of
 10 operations, you know, our surveillance vehicles will
 11 get backed up in traffic or not able to make the
 12 turn, catch up with them, it just happens.
 13 Q. Where did that meet originate?
 14 A. Seven hundred block of 14th Street.
 15 Q. What was that close to?
 16 A. It's a block north of the high school.
 17 Q. Oh, okay, okay. Back this direction from
 18 the high school?
 19 A. Correct.
 20 Q. And so there was some driving around in
 21 there and you lost sight of the pickup?
 22 A. That's correct.
 23 Q. Counsel asked you, well, gee, was that
 24 enough time for the vehicle to go to Clarkston, and
 25 you said no, but it certainly was time enough for

1 the vehicle to stop and this informant to meet
2 somebody on the street and get drugs from them for
3 all you knew?

4 **A.** I don't believe so. I don't believe that
5 occurred.

6 **Q.** Well, I'm not asking if you think it
7 occurred. You lost sight of your CI?

8 **A.** But I still had audio of the contact
9 between my informant and Mr. Richardson.

10 **Q.** Well, let me ask you this. As far as your
11 visual was concerned, leaving aside the audio for a
12 moment, you -- that pickup could have stopped and
13 your CI could have physically done something with
14 someone else in the minute to two minutes you were
15 out of sight?

16 **A.** Yes, potentially.

17 **Q.** Okay. Then you just never recovered any
18 of this buy money from anybody; right?

19 **A.** That's correct.

20 **Q.** And this was the one where the
21 confidential informant had contact with someone else
22 before the black pickup arrived?

23 **A.** That's correct.

24 **Q.** Did you ever identify the other person?

25 **A.** Yes.

1 MR. RADAKOVICH: I think that's all. Thank
2 you.

3 THE COURT: Ms. Dickerson.

4 REDIRECT EXAMINATION

5 BY MS. DICKERSON:

6 **Q.** During the time that you were monitoring
7 the body wire while the Defendant and the CI were in
8 the vehicle, were in his pickup, did you ever hear
9 any other voices other than those two males?

10 **A.** No.

11 **Q.** You said earlier that you had recognized
12 Mr. Richardson from prior contacts?

13 **A.** That's correct.

14 **Q.** Were you able to identify Mr. Richardson's
15 voice when you were listening to it?

16 **A.** Yes.

17 **Q.** How is that?

18 **A.** I have had prior contacts with
19 Mr. Richardson, I have personally talked to him
20 previously, and I was able to recognize his voice.

21 **Q.** And so during the buy on the 7th, the 9th
22 and the 14th while you were monitoring the body
23 wire, the voices you heard were your confidential
24 informant and Mr. Richardson?

25 **A.** That's correct.

1 **Q.** Who was that?

2 **A.** I don't remember -- recall the
3 individual's name. I would have to review in my
4 report to see if it's in there but I know during the
5 recorded debrief with the informant, the informant
6 told me who the person was.

7 **Q.** And you must have that written down
8 somewhere; right?

9 **A.** It's either in the recorded debrief or
10 it's written down, yes.

11 **Q.** Was that person driving a car?

12 **A.** Yes.

13 **Q.** So this is the one where you dropped the
14 informant off and he was standing around and some
15 guy drove by and he had a conversation with them?

16 **A.** Correct.

17 **Q.** On any of these occasions did you have any
18 electronic interference with the wire?

19 **A.** Not that I recall, no.

20 **Q.** And your recollection is the wire
21 recordings are clear as to what was said, a hundred
22 percent of it can be heard?

23 **A.** I wouldn't say a hundred percent of it,
24 but I have listened to the recordings in this
25 instance and they are above normal.

1 MS. DICKERSON: Nothing further.

2 RECROSS EXAMINATION

3 BY MR. RADAKOVICH:

4 **Q.** In listening to those recordings, and I'm
5 not asking you what the informant said, I'm asking
6 you what Mr. Richardson said, did Mr. Richardson
7 say, "Here are your drugs," anything like that?

8 **A.** There was drug conversation, not
9 necessarily "here are your drugs," but there was
10 conversation about drugs.

11 **Q.** Okay. Well, I mean I carry on
12 conversations about drugs. What I'm saying is did
13 anyone say -- Mr. Richardson say, "here's your
14 stuff"?

15 **A.** I don't recall that, no.

16 **Q.** Would you agree with me if there was
17 someone else in the pickup who didn't speak, you
18 didn't observe them and they could have been
19 involved in something and you would have never known
20 it?

21 **A.** Potentially, yes.

22 MR. RADAKOVICH: That's all I have, Judge.

23 Thank you.

24 THE COURT: Thank you.

25 Anything in light of that?

FURTHER DIRECT EXAMINATION

BY MS. DICKERSON:

Q. In fact, Mr. Richardson at one point told the CI that it was short, that one of the baggies was short?

A. During --

MR. RADAKOVICH: Well. Objection. Let's get a date. That's lacking in foundation.

THE COURT: Sustained.

BY MS. DICKERSON:

Q. On Buy No. 2 -- I'm sorry, buy No. 3, September 14, some of the conversation involved Mr. Richardson indicating that one of the baggies was short?

A. Correct.

Q. He had wanted a half an ounce and he only had a quarter?

A. On that occasion Mr. Richardson stated this is short a half and this one should be a quarter.

MS. DICKERSON: Nothing further.

MR. RADAKOVICH: Nothing.

THE COURT: You may step down.

MS. DICKERSON: We have Mr. Bauer here, your Honor. I believe he's waiting across the

him a long time ago and then through drug.

Q. Approximately how long have you known Mr. Richardson?

A. Oh, gosh, twenty years.

Q. And do you see him in court today?

A. Yes.

Q. Would you point him out and describe what he's wearing?

A. He's sitting right over there.

MS. DICKERSON: May the record reflect that he's identified the Defendant?

THE COURT: It does.

BY MS. DICKERSON:

Q. Mr. Bauer, would it be fair to say that you have had an issue with drug addiction?

A. Yes.

Q. And what's your drug of choice, sir?

A. Methamphetamine.

Q. And during the course of the early fall of 2011, did you, in fact, become a confidential informant for the Lewiston Police Department?

A. I did.

Q. And was Mr. Richardson a target of one of those investigations that you participated in?

A. Yes, he was.

street if we could take five minutes.

THE COURT: We are going to take a few minutes.

(Thereupon, a recess was taken.)

THE COURT: Back on the record. State has another witness.

ROBERT BAUER,

having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to said cause, testifies and says:

DIRECT EXAMINATION

BY MS. DICKERSON:

Q. Good afternoon, sir. Would you state your name spelling your last for the record?

A. Robert Lee Bauer, B-a-u-e-r.

Q. Mr. Bauer, are you currently a resident of Nez Perce County?

A. I am.

Q. And, sir, I'm going to get right to the point, I'm going to direct your attention to an individual by the name of Kyle Richardson; do you know such a person?

A. Yes, I do.

Q. And how do you know Mr. Richardson?

A. Through -- oh, gosh I used to work with

Q. And I want to direct your attention to September 7th of 2011, did you meet with Mr. Richardson on that day?

A. Dates -- to be honest with you I don't remember dates. I know sometimes --

MR. RADAKOVICH: Excuse me, excuse me, Judge, one second.

MR. RADAKOVICH: Sorry, I didn't mean to interrupt, Judge. I just couldn't hear my client.

BY MS. DICKERSON:

Q. Sometime early in --

A. In September.

Q. In early September that you met with. How many times in September did you meet with Mr. Richardson?

A. Actually four times, I believe.

Q. Four times?

A. Yes.

Q. And how many times did you purchase drugs in September?

A. Three times.

Q. What was the fourth time for, sir?

A. Fourth time was to pay him some money that was owed for one of those transactions.

Q. And those four times that you met with

1 Mr. Richardson, the three that you purchased drugs,
2 can we talk about where the first occurred. Do you
3 recall where you purchased drugs the first time from
Mr. Richardson?

5 A. Yes, it was just off of Hatwai Road in
6 North Lewiston at the storage units.

7 Q. And that was at one of the purchases in
8 September?

9 A. Yes, ma'am.

10 Q. And then when was the second purchase, do
11 you know?

12 A. The second purchase was on the south side
13 of the community center down here by Les Schwab
14 Tire.

15 Q. And the third time?

16 A. In front of my house up on 706 14th
17 Street.

18 MR. RADAKOVICH: 706 --

19 A. 14th Street.

20 BY MS. DICKERSON:

21 Q. And, Mr. Bauer, do you recall the amounts
22 that you purchased the first time how much did you
23 purchase?

24 A. An eight ball the first time, I believe,
25 for two hundred dollars.

1 that?

2 A. Well, I had twelve hundred dollars, four
3 of it went towards what I owed previously, so I
4 think I paid -- I think it was eleven hundred
5 dollars. I'm not positive but I think.

6 Q. Okay. And during the time that you made
7 these purchases, all three in September, at any time
8 did you purchase methamphetamine from anyone else
9 when Mr. -- when you were purchasing from
10 Mr. Richardson?

11 A. No.

12 Q. And since that time have you had contact
13 with Mr. Richardson?

14 A. Yes.

15 Q. And when was that contact?

16 A. He came by my house and also I had a
17 storage shed and I let him take it over (inaudible)

18 Q. When he came by your house, was there a
19 purpose for coming by?

20 A. He wanted to talk to me about this.

21 Q. So he knew you were the confidential
22 informant?

23 A. No, I don't believe he did, no.

24 Q. Did you tell him?

25 A. Yes, I did.

1 Q. And what's an eight ball?

2 A. An eight ball is three and a half grams.

3 Q. So about a fourth of an ounce kind of or
4 an eighth of an ounce?

5 A. Eighth of an ounce.

6 Q. That's why they call it an eight ball.

7 The second time do you remember how much you
8 purchased?

9 A. I believe it was a half ounce.

10 Q. Okay. And do you remember how much you
11 paid for that?

12 A. Yeah, I only give him \$400 at a time. And
13 then on the next transaction I give him another \$400
14 towards that.

15 Q. And so he fronted you a certain portion
16 of --

17 A. Yes, half of it.

18 Q. Okay. And then you said the next time you
19 paid back the \$400 that you owed him?

20 A. Correct.

21 Q. And did you also purchase more
22 methamphetamine on that --

23 A. Yes, three quarters of an ounce, I
24 believe.

25 Q. And do you recall how much you paid for

1 Q. And how did he react?

2 A. I was really surprised he didn't -- I
3 don't know if maybe (inaudible) me or not but he
4 didn't seem real surprised.

5 MS. DICKERSON: I don't have anything
6 further, your Honor.

7 THE COURT: Mr. Radakovich.

8 CROSS EXAMINATION

9 BY MR. RADAKOVICH:

10 Q. Mr. Bauer, you are how old?

11 A. I'm 55.

12 Q. And in September of 2011 you became
13 involved with the drug detectives to do some
14 confidential informant work?

15 A. Yes, sir.

16 Q. Did you have a confidential informant
17 number?

18 A. I believe I did, yes.

19 Q. Do you know what it is?

20 A. I don't.

21 Q. Okay. Could it have been 11-L02?

22 A. That's very possible.

23 Q. Okay. So at this time in September 2011,
24 Mr. Bauer, would it have been fair to say you were
25 addicted to methamphetamine?

1 A. Yes, I'm addicted to it to this day.

2 Q. Sure. I understand. And you began
3 working as a confidential informant for the police
4 because you were trying to work off some criminal
5 charges they were going to bring against you?

6 A. That's correct.

7 Q. How many charges were there that you were
8 trying to work off?

9 A. I honestly don't know.

10 Q. Did they ever tell you and you just can't
11 remember?

12 A. No, they didn't because I know (inaudible)
13 think they told me.

14 Q. Let me ask it this way then, and I'm not
15 trying to confuse you, I'm just trying to get to it.
16 Would it have been that they had you for some sales
17 of drugs?

18 A. I don't believe so, I think it was just
19 possession and maybe intent to deliver.

20 Q. Okay. So they popped you and they found
21 some drugs?

22 A. Yes.

23 Q. And that would have been methamphetamine?

24 A. Yes, sir.

25 Q. Now, you -- I think if I heard you and I

1 Q. Had you used any at all on the day that
2 the alleged first buy occurred?

3 A. No.

4 Q. Had you used any the week before that?

5 A. Gosh, it's possible, it's possible.

6 Q. When I saw "drugs," I don't mean just
7 meth, had you used anything?

8 A. No, it would just be meth.

9 Q. Okay. Meth would be your drug? You
10 wouldn't be out messing around with marijuana or
11 anything?

12 A. No.

13 Q. Then at the time of the second alleged
14 buy, do you know how long after the first alleged
15 buy that would have been?

16 A. I don't, I just know it was all in the
17 month of September.

18 Q. So you don't presently have a recollection
19 of how many days between?

20 A. I have no idea.

21 Q. Okay. We have heard testimony that when
22 the second buy was getting lined up, and I'm not
23 sure I'm having this right, after the alleged buy,
24 you were dropped off at Les Schwab; does that sound
25 familiar?

1 don't have the best hearing, and you speak fairly
2 low, if I did something wrong, I hope you will
3 understand I'm not trying to trick you and you will
4 correct me --

5 A. I understand.

6 Q. So did you say you probably known
7 Mr. Richardson about twenty years?

8 A. I'm guessing pretty close to it.

9 Q. And you worked with him where?

10 A. At Zirbel Transport, Richardson Trucking.

11 Q. Okay. And at the time of these alleged
12 buys in September of 2011, you were still actively
13 using drugs?

14 A. Yes, sir.

15 Q. Okay. These buys did not occur early in
16 the morning or late at night, did they?

17 A. I don't believe so, no.

18 Q. Let's take the first alleged buy, and I
19 understand you to say you weren't good on dates, I
20 understand that, and at that time of the first buy,
21 whatever date that was, you were actively using
22 drugs during that time period?

23 A. Not during that time, I was trying really
24 hard not to use any at all, but I have slipped and
25 used some, yes.

1 A. Yes.

2 Q. And that you had some contact with
3 somebody at Les Schwab?

4 A. Yes, they were rotating the tires on my
5 truck at the time.

6 Q. So your vehicle was at Les Schwab?

7 A. Yes, it was.

8 Q. But you didn't drive it there to the buy?

9 A. No, I just drove it to Les Schwab and they
10 were rotating the tires for me.

11 Q. Okay. And did the detectives then pick
12 you up from there and take you to where they
13 searched you?

14 A. No, actually I believe I walked behind the
15 community center and they searched me back there.

16 Q. Okay. So you basically told them you were
17 taking your truck into Schwab and they met you at
18 the community center; is that fair?

19 A. Yes.

20 Q. And then they took you to the buy site?

21 A. Which is right in the parking lot at the
22 community center there.

23 Q. So not very far at all?

24 A. No.

25 Q. Okay. And on that occasion you hadn't

1 used any drugs that day?
 2 A. No.
 3 Q. Well, let me ask you this, at the time of
 4 any of these three alleged buys, did you do a line
 5 of meth while you were with my client?
 6 A. No, I did not.
 7 Q. You sure?
 8 A. Positive.
 9 Q. Couldn't have forgotten it?
 10 A. No, absolutely not.
 11 Q. Okay. Alright. Do you know whether the
 12 packages weighed out for what you expected to
 13 receive?
 14 A. I believe they were fairly close, yes, or
 15 they probably would have said something to me.
 16 Q. Okay. Now, since these three alleged --
 17 well, okay, then I guess we were told by a previous
 18 witness that while you were waiting to meet my
 19 client before the third alleged buy, someone drove
 20 by and you talked to them?
 21 A. Yes, my next-door neighbor actually gave
 22 me a can of pop.
 23 Q. Who was that?
 24 A. Chris -- I don't know his last name though
 25 but --

1 Q. How many times would you say you have used
 2 drugs since --
 3 A. I could not tell you --
 4 Q. -- these alleged buys?
 5 A. I couldn't tell you how many times.
 6 Q. More than once?
 7 A. Oh, yeah.
 8 Q. And it would be meth?
 9 A. Yes.
 10 Q. Are you in drug treatment right now?
 11 A. No, I'm not.
 12 Q. Were you in drug treatment on any of these
 13 occasions?
 14 A. No, I was not.
 15 Q. And I understand, and tell me if I'm
 16 wrong, that you have a prior felony record?
 17 A. Yes, I do.
 18 Q. What does that consist of?
 19 A. Possession of meth.
 20 Q. Just one?
 21 A. 2801, I believe it was.
 22 Q. In Nez Perce County?
 23 A. Yes, sir.
 24 Q. So that's it, your whole felony record is
 25 one possession case?

1 Q. He lives next to your house?
 2 A. Yes. I believe it's Schaff, I believe is
 3 his last --
 4 Q. Shock?
 5 A. Shop.
 6 Q. Shop, okay. And he just still lives next
 7 to you?
 8 A. Yes.
 9 Q. And that's 706 14th Street is where you
 10 live?
 11 A. Yes, and he lives in the house just above
 12 me. Not in the apartment complex but in the houses
 13 above it.
 14 Q. Now, you say that since these alleged buys
 15 you have come back to using drugs somewhat?
 16 A. No, I haven't, I'm trying very hard to
 17 stay away from it and nobody will even talk to me so
 18 it makes it pretty hard --
 19 Q. I know but I thought you said you had
 20 slipped, did I miss understand you?
 21 A. Oh, yes, I have, but I haven't gone back
 22 to using like I was, no.
 23 Q. How many times would you say you have used
 24 drugs since --
 25 A. I'm sorry.

1 A. Yes, sir.
 2 Q. Nothing else? And I don't mean just drug
 3 crimes, I mean any crimes?
 4 A. No, no felonies, no.
 5 Q. Before these alleged buys, would it be
 6 correct that you, in fact, provided some meth to
 7 Mr. Richardson?
 8 A. Yes.
 9 Q. In fact you used to sell to him?
 10 A. Yes.
 11 Q. Okay. Let me ask you this, are any of
 12 those activities what resulted in you being popped
 13 by the police?
 14 A. No.
 15 Q. Okay. How long would you say you sold to
 16 him?
 17 A. Gosh, I have no idea, honestly don't.
 18 Q. Now, the first alleged buy you took your
 19 vehicle?
 20 A. Yes.
 21 Q. And did the police search you?
 22 A. Yes, in my vehicle.
 23 Q. How did they do that, can you describe
 24 that?
 25 A. Myself, they made me take my shoes off, my

1 hat off, patted me down. And my vehicle, I didn't
2 really watch them.

3 Q. Let's do you first. So do they -- the
4 only clothing they remove or had you remove were
5 your hat and your shoes?

6 A. My hat and my shoes. They didn't strip
7 search me, no.

8 Q. Sure, that's what I'm asking you. And did
9 you have a wallet?

10 A. Yes.

11 Q. And did they look inside your wallet?

12 A. Yeah, all the contents of my pockets they
13 took out and looked.

14 Q. Okay. And were you wearing a coat that
15 day?

16 A. No, not when they searched me. They
17 searched my coat or my sweater separate from myself.

18 Q. And then how do they go about searching
19 your car, did you see that?

20 A. I didn't pay too much attention. I didn't
21 pay a whole lot of attention. I knew they weren't
22 going to find anything, so I didn't worry about it.

23 Q. Okay. So you knew they were searching it
24 but you didn't watch them?

25 A. Oh, yeah.

1 searched me to be honest with you, but I know it was
2 just before they dropped me off at the house.

3 Q. Okay. Now the first alleged buy, was
4 Mr. Richardson wearing gloves?

5 A. I don't believe so.

6 Q. How about the second alleged buy?

7 A. I don't believe so.

8 Q. How about the third alleged buy?

9 A. I don't believe so.

10 Q. Okay.

11 A. I can't tell you positively but I don't
12 believe so.

13 Q. But you certainly don't remember him
14 wearing gloves?

15 A. No, I don't.

16 MR. RADAKOVICH: I think that's all. Thank
17 you, Mr. Bauer.

18 THE COURT: Anything else?

19 MS. DICKERSON: Nothing further.

20 THE COURT: Alright. You may step down.

21 MS. DICKERSON: Thank you, sir. May this
22 witness be excused?

23 MR. RADAKOVICH: Certainly, Judge.

24 THE COURT: You are free to go, Mr. Bauer.

25 MS. DICKERSON: State doesn't have

1 Q. And then second time they didn't search
2 your vehicle because you didn't drive it to the
3 meet?

4 A. Well, I drove it down to Les Schwab.

5 Q. Right, but then you walked away and then
6 that's when they searched you?

7 A. Correct.

8 Q. And you were never in your vehicle in
9 between when they searched you and when you met up
10 with them again afterwards?

11 A. No, I was not.

12 Q. And was the search of you the same, were
13 you wearing a hat, shoes, et cetera?

14 A. Yes.

15 Q. And this was all -- this search was
16 occurring out in the parking lot of the community
17 center?

18 A. Between two vehicles, yes.

19 Q. Okay. And then the third time where do
20 you think they searched you?

21 A. They searched me before they dropped me
22 off at my house and then they watched me.

23 Q. So what, like a block from your house,
24 what?

25 A. Yeah, I can't remember exactly where they

1 anything further, your Honor.

2 MR. RADAKOVICH: We have no witnesses,
3 your Honor. I don't have argument.

4 MS. DICKERSON: No argument.

5 THE COURT: Based on the testimony that's
6 been presented, the Court finds substantial proof
7 that the Defendant committed the crimes as charged
8 in the Complaint, and therefore he will be bound
9 over to District Court to Judge Kerrick's court.
10 And we will set that for the first of March for
11 arraignment and that will be at 1:15.

12 We will be in recess.

13 (Thereupon, the hearing was concluded at
14 3:07 p.m.)

C E R T I F I C A T E

I, Linda L. Carlton, C.S.R., certify that I reported in stenotype or an electronic recording and thereafter transcribed into the foregoing record the proceedings in the above-entitled cause, and that the said transcript is a full, true and correct copy of the above-entitled cause to the best of my ability, held in Lewiston, Idaho, on the ___ day of February, 2012.

D A T E D this ___ day of March, 2012.

.....
Linda L. Carlton, C.S.R.
Certified Shorthand Reporter
Second Judicial District
of the State of Idaho
ID A H O C . S . R . N O . 336

Second Judicial District Court, State of Idaho
and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

STATE OF IDAHO,

Plaintiff,

vs.

Kyle Alan Richardson,

Defendant.

FILED

2012 AUG 1 AM 9 19

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

DEPUTY

Case No: CR-2012-0000082

AMENDED

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Final Pretrial
Judge:

Thursday, August 16, 2012 01:15 PM
Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, August 01, 2012.

Defendant: Kyle Alan Richardson
2115 Birch Ave
Lewiston, ID 83501

Mailed ☒ Hand Delivered ☐

Private Counsel: Danny Radakovich PD 2012
1624 G St.
Lewiston, ID 83501

Mailed ☐ Hand Delivered ☒

Prosecutor: Sandra K. Dickerson

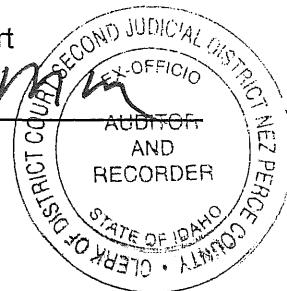
Mailed ☐ Hand Delivered ☒

Dated: Wednesday, August 01, 2012

Patty O. Weeks
Clerk Of The District Court

By:

Deputy Clerk
DOC22 7/96



A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

August 9, 2012

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

**RE: STATE V. KYLE RICHARDSON
CASE NO. CV12-0082**

Dear Teresa:

Accompanying this letter please find the original and my blue file copy of an *Objection to Motion to Use Preliminary Hearing Testimony* in this case. Please file the original and then conform my blue file copy and return it to my office.

Thank you for your courtesy in this matter.

Sincerely,



Danny J. Radakovich

DJR:me

Enclosures

cc: Kyle Richardson (w/encls)
Nez Perce County Prosecuting Attorney (h/d w/encls)

DANNY J. RADAKOVICH
A Felony Public Defender
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED

2012 AUG 9 AM 11 51

PATTY O. WEAVER
CLERK OF THE DISTRICT COURT
Patty O. Weaver
DEPUTY

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

STATE OF IDAHO,)	CASE NO. CR12-082
)	
Plaintiff,	)	OBJECTION TO MOTION TO ADMIT
	)	PRELIMINARY HEARING TESTIMONY
v.	)	AT TRIAL
)	
KYLE A. RICHARDSON,)	
)	
Defendant.)	

COMES NOW the defendant in the above-entitled matter, by and through his attorney of record herein, and hereby objects to the motion by the State to admit the testimony of Robert Lee Bauer via preliminary hearing transcript at the trial of this matter. The record before the court will show that the preliminary hearing took place on February 22, 2012, and Mr. Bauer died on March 23, 2012, according to the obituary in The Lewiston Tribune, of which a copy is attached hereto as Exhibit A.

As noted in the State's motion, Mr. Bauer was called as a witness at the preliminary hearing in this case but, before that, his identity was concealed by the State in accordance with their long-standing procedure. See the State's January 11, 2012, Response to Request for Discovery, page 5,

OBJECTION TO MOTION TO ADMIT
PRELIMINARY HEARING TESTIMONY
AT TRIAL

wherein Mr. Bauer is identified as CI11-L02, 41 days prior to the preliminary hearing. As a result of the decision by the State to conceal the identity of Mr. Bauer, counsel for the defendant was denied an adequate opportunity to investigate Mr. Bauer and his background prior to the preliminary hearing and thereby perform a more penetrating examination of Mr. Bauer at that preliminary hearing. Had Mr. Bauer been properly named, counsel could have been prepared with a clearer understanding of Mr. Bauer's criminal history, his drug background, and his drug use.

Moreover, to the best of the knowledge of the undersigned, he was never informed of Mr. Bauer's heart condition which, according to the obituary, evidently led to his death. Counsel for the defendant, therefore, had no awareness that there was any significant chance that Mr. Bauer would no longer be among the living and testifying at trial as this case developed.

The issue raised by the State's motion is governed by Rule 804(b)(1), I.R.E., which states:

"The following are not excluded by the hearsay rule of the declarant is unavailable as a witness:

(1) Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered . . . had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination."

In addition to Rule 804(b)(1), this issue is also governed by Idaho Code §9-336, which provides as follows:

"Prior to admitting into evidence testimony from a preliminary hearing, the court must find that the testimony offered is:

1. Offered as evidence of a material fact and that the testimony is more probative on the point for which it is offered than

OBJECTION TO MOTION TO ADMIT
PRELIMINARY HEARING TESTIMONY
AT TRIAL

any other evidence which the proponent can procure through reasonable efforts; and

2. That the witness is, after diligent and good faith attempts to locate, unavailable for the hearing; and

3, That at the preliminary hearing, the party against whom the admission of the testimony is sought *had an adequate opportunity to prepare and cross-examine the proffered testimony.*” (Emphasis ours)

The appellate courts have dealt with this issue several times but the decisions don’t really provide a lot which is definitive over and above the above-quoted statute and rule. The one thing in the case law which may be useful is to be found in the case of State v. Ricks, 122 Idaho 856, 840 P.2d 400 (Ct. App., 1992), wherein the court noted at page 863 that a case-by-case approach would be taken in determining whether or not preliminary hearing testimony would be admissible at trial in a particular case.

Where we take issue with the State’s request to use the preliminary hearing testimony of Mr. Bauer at the trial of this matter lies exclusively in the lack of an “adequate” opportunity for defense counsel to “prepare and cross-examine the proffered testimony”. As noted at the beginning of this objection, in this case the State followed its usual predilection for hiding the identity of confidential informants by simply identifying the confidential in its discovery response by his confidential informant number. If the undersigned is not mistaken, the reason that Mr. Bauer was called as a live witness at the preliminary hearing in this case is that all of the alleged deliveries occurred within a pickup which have heavily tinted windows and, therefore, the police were not able to visually identify the person allegedly delivering the alleged drugs to Mr. Bauer. Consequently, the State had

OBJECTION TO MOTION TO ADMIT
PRELIMINARY HEARING TESTIMONY
AT TRIAL

to know well in advance of the preliminary hearing that it would need to use Mr. Bauer as a witness. The defendant propounded his discovery request via hand-delivery on January 10, 2012, and the defendant received the State's response on January 13, 2012, which was apparently completed and sent out on January 12, 2012. In the 41 days between the service of that discovery response and the preliminary hearing, the State had more than adequate opportunity to identify Mr. Bauer. The prosecuting attorney appears to have a very uniform policy of not identifying confidential informants and uses the criminal rules as a shield in being able to successfully do so. That is certainly their prerogative, but the State should not be heard to complain and want to use preliminary hearing testimony when its decision not to disclose the name of the confidential informant backfires and ends up harming the defendant's ability to adequately defend himself on the charges brought against him.

The simple fact is that Mr. Bauer, as it turns out, was a long-time drug user and drug provider and a criminal to boot. To be sure, counsel for defendant did attempt, with no advance notice of who the confidential informant was, to attempt to diligently question Mr. Bauer on his drug use and criminal history so as to attack his credibility. Had we known the name of the confidential informant in advance, however, we could have made a concerted effort to obtain information about Mr. Bauer. Just as an example of what could have been located had we known the name of the informant in advance, Exhibit B, attached hereto, shows what we have located thus far about Mr. Bauer's criminal activities in the Idaho Repository. There have been worse criminal records, but the man was pretty clearly a scofflaw. What crimes he may have committed in other states is not yet known. Moreover, had we known who the confidential informant was before the preliminary hearing, we could have checked around for information which would have contradicted his statements about his alleged lack

OBJECTION TO MOTION TO ADMIT
PRELIMINARY HEARING TESTIMONY
AT TRIAL

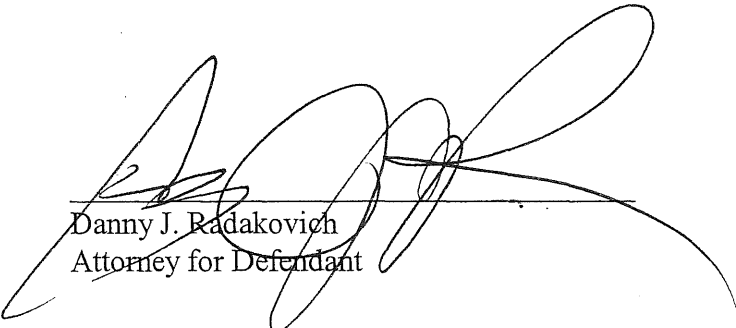
of drug use the days of the alleged drug deliveries, what benefit he was receiving for his testimony and, therefore, his propensity to perjure himself for personal benefit, etc.

Now, the State may argue that we could try to present all of this sort of evidence at the trial, but some of the evidence which could have been submitted under the looser evidentiary standards of the preliminary hearing may not be admissible at the trial. Moreover, having the ability to more thoroughly cross-examine Mr. Bauer and break down his story at the preliminary hearing may well have allowed the defendant to avoid being bound over at all. Finally, there is also the chance that the jury may react negatively to an effort to attack a dead man who is not there to defend himself. We do, after all, live in Marlboro County.

The ability to effectively cross-examine witnesses at the preliminary hearing implicates the Confrontation Clause and, while the use of preliminary hearing testimony at trial is not *per se* prohibited by the law, it will not be allowed when the case-by-case circumstances are such that the use of the preliminary hearing testimony at trial *will* be banned where the Confrontation Clause is violated under the circumstances of a particular case.

The hearing on the State's motion will require some short testimony.

DATED this 9th day of August, 2012.



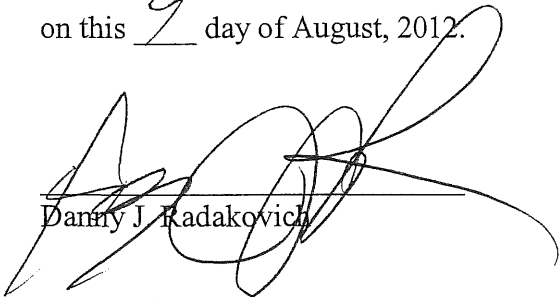
Danny J. Radakovich
Attorney for Defendant

I hereby certify that a true and correct copy of the foregoing was hand-delivered to:

OBJECTION TO MOTION TO ADMIT
PRELIMINARY HEARING TESTIMONY
AT TRIAL

*Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501*

on this 9th day of August, 2012.



Danny J. Radakovich

OBJECTION TO MOTION TO ADMIT
PRELIMINARY HEARING TESTIMONY
AT TRIAL

Welcome

Login Subscribe

NWMARKET CLASSIFIEDS JOBS BUSINESS DIRECTORY BUYERSGUIDE

Robert L. Bauer, Lewiston

Posted: Tuesday, April 3, 2012 12:00 am

Robert Lee Bauer, 55, died Friday, March 23, 2012, at St. Joseph Regional Medical Center in Lewiston, due to heart problems.

He was born Aug. 2, 1956, in Lewiston.

Bob was a very caring person; he will be greatly missed.

He is survived by his son, Jonathan Bauer of Coeur d'Alene; stepdaughters Justina Ball and Cassie Ball, both of Colfax; and stepson Jimmy Ball of Coeur d'Alene.

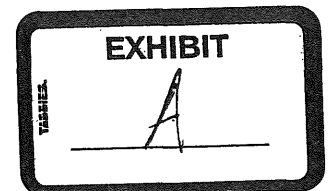
A memorial service will be conducted at a later date.

© 2012 The Lewiston Tribune. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Become a Social Worker
With an Online Master's from USC. No
Relocating Required. Learn More!
msw.usc.edu/Virtual-Academy/Career

Free Maps & Directions
Search Maps, Get Driving Directions
Instantly From Your Browser Free!
www.MapsGalaxy.com

© Copyright 2012, The Lewiston Tribune, Lewiston, Idaho. Powered by BLOX Content Management System from TownNews.com.



Case History

Nez Perce

28 Cases Found.

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-2011-0005595 Magistrate Judge: Court Clerks Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	07/03/2011	I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit Arresting Officer: Frary, Levi, NPCSO	37345	Finding: Guilty Disposition date: 07/15/2011 Fines/fees: \$150.00

Register
of
actions:

07/07/2011 New Case Filed-Infraction
 07/07/2011 Prosecutor Assigned Erik L. Johnson
 07/07/2011 Complaint & Summons
 07/07/2011 Hearing Scheduled (Arraignment 07/15/2011 04:00 PM)
 07/15/2011 Hearing result for Arraignment scheduled on 07/15/2011 04:00 PM:
 Hearing Vacated
 07/15/2011 A Plea is entered for charge: - GT (I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit)
 07/15/2011 Guilty Plea Or Admission Of Guilt (I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit)
 07/15/2011 Change Plea To Guilty Before H/t (I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit)
 07/15/2011 Case Status Changed: closed pending clerk action
 07/15/2011 Infraction Deferred Payment Agreement
 10/17/2011 Case Status Changed: closed

Nez Perce County Prosecuting Attorney vs. \$4,570.00 In US Currency

Case: CV-2011-0001126 Magistrate Filed: 06/01/2011 Subtype: Other Claims Judge: Jay P. Gaskill Status: Closed 07/18/2011

Defendants: \$4,570.00 In US Currency

Plaintiffs: Nez Perce County Prosecuting Attorney

Other Parties: Bauer, Robert Lee

Disposition:	Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
	07/18/2011	Default Judgment			Nez Perce County Prosecuting Attorney (Plaintiff), Bauer, Robert Lee (Other Party)	Plaintiff

Comment: The State will keep \$4570.00 in US Currency

Register
of actions:

06/01/2011 Plaintiff: Nez Perce County Prosecuting Attorney Attorney Retained Nance Ceccarelli
 06/01/2011 Complaint Filed
 06/01/2011 Summons Filed

Moton for Order Entering Default and Default Judgment Against

EXHIBIT

B

06/30/2011 Robert Lee Bauer
 06/30/2011 Affidavit of Nance Ceccarelli in Support of Default Against Robert Lee Bauer
 06/30/2011 Affidavit of Brett Dammon in Support of Default Judgment Against Robert Lee Bauer
 07/07/2011 No proof of service filed. I sent e-mail to Nance. FILE WENT BACK TO THE VAULT.
 07/08/2011 Proof of Service--6-2-11
 07/18/2011 Order entering default against Robert Lee Bauer
 07/18/2011 Default judgment against Robert Lee Bauer
 07/18/2011 Disposition Without Trial Or Hearing
 07/18/2011 Case Status Changed: Closed
 07/18/2011 Civil Disposition entered for: Bauer, Robert Lee, Other Party; Nez Perce County Prosecuting Attorney, Plaintiff. Filing date: 7/18/2011

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-2011-0002321 Magistrate Judge: **Magistrate Court Clerks** Amount due: **\$0.00** **Closed**

Charges:	Violation Date	Charge	Citation	Disposition
	03/13/2011	I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit Arresting Officer: KOOPMAN, ED, ISP	ISP0039401	Finding: Guilty Disposition date: 03/28/2011 Fines/fees: \$85.00

Register of actions:

Register of actions:	Date	
	03/23/2011	New Case Filed-Infraction
	03/23/2011	Prosecutor Assigned Erik L. Johnson
	03/23/2011	Complaint & Summons
	03/23/2011	Hearing Scheduled (Arraignment 03/28/2011 04:00 PM)
	03/28/2011	Hearing result for Arraignment held on 03/28/2011 04:00 PM: Hearing Vacated
	03/28/2011	A Plea is entered for charge: - GT (I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit)
	03/28/2011	Guilty Plea Or Admission Of Guilt (I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit)
	03/28/2011	Change Plea To Guilty Before H/t (I49-654(2) Driving-Speed-(1-15 MPH) Exceeding the Maximum Posted Speed Limit)
	03/28/2011	Case Status Changed: closed pending clerk action
	03/28/2011	Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-2010-0004336 Magistrate Judge: **Jay P. Gaskill** Amount due: **\$0.00** **Closed**

Charges:	Violation Date	Charge	Citation	Disposition
	05/22/2010	Original: I18-2403(1) {M} Theft-Petit Amended: I18-4626 Wilful Concealment of Goods, Wares or Merchandise Arresting Officer: Reese, C., LPD	125761	Finding: Guilty Disposition date: 06/22/2010 Fines/fees: \$337.50

Register
of Date
actions:

05/24/2010 New Case Filed-Misdemeanor
05/24/2010 Prosecutor Assigned Jamie C. Shropshire
05/24/2010 Hearing Scheduled (Arraignment 06/04/2010 04:00 PM)
05/24/2010 Criminal Complaint
05/24/2010 Change Assigned Judge
06/03/2010 Notification Of Rights-misdemeanor
06/03/2010 Hearing result for Arraignment held on 06/04/2010 04:00 PM: Hearing Vacated
06/03/2010 A Plea is entered for charge: - NG (I18-2403(1) {M} Theft-Petit)
06/03/2010 Change Assigned Judge
06/03/2010 Hearing Scheduled (Pretrial - City 06/22/2010 10:45 AM)
06/03/2010 Notice Of Hearing
06/22/2010 Hearing result for Pretrial - City held on 06/22/2010 10:45 AM: Hearing Held
06/22/2010 Charge Reduced Or Amended
06/22/2010 Pretrial Motion And Order
06/22/2010 Guilty Plea Or Admission Of Guilt (I18-4626 Wilful Concealment of Goods, Wares or Merchandise)
06/22/2010 Case Status Changed: closed pending clerk action
06/22/2010 Misdemeanor Deferred Payment Agreement
Affidavit and Notice of Failure to Pay- multi. chg - Step 1, Failure to Pay
12/28/2010 Fines and Fees - Charge # 1, Wilful Concealment of Goods, Wares or Merchandise Appearance date: 12/28/2010
01/27/2011 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-2008-0007177** Magistrate Judge: **Magistrate Court Clerks** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	08/21/2008	I49-654(2) Speed-exceed Maximum Speed Limit Arresting Officer: Gobbi, David A, LPD	114604	Finding: Guilty Disposition date: 09/10/2008 Fines/fees: \$75.00

Register
of Date
actions:

08/25/2008 New Case Filed-Infraction
08/25/2008 Prosecutor Assigned Jamie C. Shropshire
08/25/2008 Complaint & Summons
08/25/2008 Hearing Scheduled (Arraignment 09/10/2008 04:00 PM)
09/10/2008 Hearing result for Arraignment held on 09/10/2008 04:00 PM: Hearing Vacated
09/10/2008 A Plea is entered for charge: - GT (I49-654(2) Speed-exceed Maximum Speed Limit)
09/10/2008 Guilty Plea Or Admission Of Guilt (I49-654(2) Speed-exceed Maximum Speed Limit)
09/10/2008 Change Plea To Guilty Before H/t (I49-654(2) Speed-exceed Maximum Speed Limit)
09/10/2008 Case Status Changed: closed pending clerk action
09/10/2008 Infraction Deferred Payment Agreement

12/09/2008 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-2008-0001722** Magistrate Judge: **Jay P. Gaskill** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	03/03/2008	Original: I49-1232 Insurance-fail To Provide Proof Of Insurance Amended: I49-1403 Driving-offense By Person Owning/controlling Veh Arresting Officer: Augello, Sam, NPCSO	31144	Finding: Dismissed By Prosecutor Disposition date: 07/08/2008 Fines/fees: \$116.50

Register
of
actions:

03/05/2008 New Case Filed-Infraction
 03/05/2008 Prosecutor Assigned April A Smith
 03/05/2008 Complaint & Summons
 03/05/2008 Hearing Scheduled (Arraignment 03/21/2008 04:00 PM)
 03/21/2008 Hearing result for Arraignment held on 03/21/2008 04:00 PM: Hearing Vacated
 03/21/2008 A Plea is entered for charge: - NG (I49-1232 Insurance-fail To Provide Proof Of Insurance)
 03/21/2008 Hearing Scheduled (Pretrials-County (Infractions) 04/01/2008 08:30 AM)
 03/21/2008 Notice Of Hearing
 04/01/2008 Continued (Pretrials-County (Infractions) 05/27/2008 08:30 AM)
 04/01/2008 Notice Of Hearing
 04/01/2008 Pretrial Motion And Order
 05/27/2008 Continued (Pretrials-County (Infractions) 07/08/2008 08:30 AM)
 05/27/2008 Notice Of Hearing
 05/27/2008 Pretrial Motion And Order
 07/08/2008 Hearing result for Pretrials-County (Infractions) held on 07/08/2008 08:30 AM: Hearing Held
 07/08/2008 Amended Complaint Filed (I49-1403 Driving-offense By Person Owning/controlling Veh)
 07/08/2008 Charge Reduced Or Amended
 07/08/2008 Pretrial Motion And Order
 07/08/2008 Dismissed by Prosecutor (I49-1403 Driving-offense By Person Owning/controlling Veh)
 07/08/2008 Case Status Changed: closed pending clerk action
 07/08/2008 Bond Posted - Cash (Receipt 316885 Dated 7/8/2008 for 116.50)
 07/08/2008 Bond Converted (Receipt number 316886 dated 7/8/2008 amount 116.50)
 07/08/2008 Case Status Changed: closed
 07/08/2008 Pretrial Motion And Order
 07/08/2008 Final Judgement, Order Or Decree Entered

Credit Bureau of Lewiston-Clarkston Inc vs. Robert Lee Bauer

Case: **CV-2007-0000168** Magistrate Filed: **01/23/2007** Subtype: **Other Claims** Judge: **Jay P. Gaskill** Status: **Closed 02/26/2007**

Defendants: **Bauer, Robert Lee**
 Plaintiffs: **Credit Bureau of Lewiston-Clarkston Inc**

Disposition: Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
02/26/2007	Default Judgment			Bauer, Robert Lee (Defendant), Credit Bureau of Lewiston-Clarkston Inc (Plaintiff)	Plaintiff
Comment:				\$1,077.46 + interest	
Register of actions:	Date				
	01/23/2007	New Case Filed-Other Claims			
		Filing: B1 - Civil Complaint, More Than \$300, Not \$1000 No Prior Appearance Paid by: Credit Bureau of Lewiston-Clarkston Inc (plaintiff) Receipt number: 0290323 Dated: 1/24/2007 Amount: \$68.00 (Check)			
	01/23/2007	Plaintiff: Credit Bureau of Lewiston-Clarkston Inc Attorney Retained Richard M Cuddihy			
	01/23/2007	Complaint Filed			
	01/23/2007	Summons Filed			
	02/22/2007	Affidavit Of Service 1/27/2007			
	02/22/2007	Application For Default			
	02/22/2007	Affidavit For Default			
	02/22/2007	Affidavit Of Non-military Service			
	02/22/2007	Affidavit Of Attorney Fees And Costs			
	02/22/2007	Cost Bill			
	02/26/2007	Order For Default			
	02/26/2007	Judgment			
	02/26/2007	Certificate Of Mailing			
	02/26/2007	Disposition Without Trial Or Hearing			
	02/26/2007	Final Judgement, Order Or Decree Entered			
	02/26/2007	Case Status Changed: Closed			
	02/26/2007	Civil Disposition entered for: Bauer, Robert L, Defendant; Credit Bureau of Lewiston-Clarkston Inc, Plaintiff. order date: 2/26/2007			
		Filing: K6 - Renewing a judgment Paid by: Cuddihy, Richard M (attorney for Credit Bureau of Lewiston-Clarkston Inc) Receipt number: 0003072 Dated: 2/22/2012 Amount: \$9.00 (Check) For: Credit Bureau of Lewiston-Clarkston Inc (plaintiff)			
	02/21/2012				
	02/21/2012	Motion To Renew Judgment			
	02/23/2012	Renewed Judgment			

State of Idaho Department of Health and Welfare vs. Cheryl Marie Wormell, etal.

Case: CV-2002-0002860 Magistrate Filed: 12/24/2002 Subtype: Other Claims Judge: Jay P. Gaskill Status: Closed 02/20/2003

Defendants: Bauer, Robert Lee Wormell, Cheryl Marie

Plaintiffs: State of Idaho Department of Health and Welfare

Register of actions:

12/24/2002 New Case Filed

12/24/2002 Plaintiff: State Of Idaho Department Of H & W Attorney Retained Marcy J Spilker

12/24/2002 Complaint Filed

12/24/2002 Summons Filed

12/24/2002 Summons Filed

01/21/2003 Acceptance of Service--Served Robert Bauer: 1-15-03

01/22/2003 Order For Continuous Writ

01/27/2003 Affidavit Of Service - 1/16/2003
 01/28/2003 Writ Issued
 02/14/2003 Application For Default
 02/14/2003 Affidavit For Default
 02/14/2003 Stipulation for child support and medical support
 02/20/2003 Order For Default
 02/20/2003 Judgment and order for child support
 02/20/2003 Final Judgement, Order Or Decree Entered
 02/20/2003 Case Status Changed: Closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-2002-0000313** District Judge: **Jeff M. Brudie** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	01/25/2002	137-2732(A)(1)(A)-DEL Controlled Substance-delivery Arresting Officer: Grotjohn, Vernon, IDLE		Finding: Dismissed By Prosecutor Disposition date: 12/04/2002 Fines/fees: \$0.00

Register of actions:

01/25/2002 New Case Filed
 01/25/2002 Affidavit Of Probable Cause
 01/25/2002 Magistrate's Finding Of Probable Cause
 01/25/2002 Criminal Complaint
 01/25/2002 Summons Issued
 01/25/2002 Hearing Scheduled - Arraignment (02/13/2002) Kent J. Merica
 02/01/2002 Summons Returned - Served
 02/13/2002 Arraignment / First Appearance
 02/13/2002 Notification Of Rights
 02/13/2002 Affidavit Of Financial Status
 02/13/2002 Order Appointing Public Defender
 02/13/2002 Notice Of Hearing
 02/13/2002 Hearing Scheduled - Preliminary (02/25/2002) Greg Kalbfleisch
 02/14/2002 Hearing Scheduled - Preliminary (02/27/2002) Greg Kalbfleisch
 02/27/2002 Preliminary Hearing Waived (bound Over)
 02/27/2002 Transfer In (from Idaho Court Or County)
 02/27/2002 Change Assigned Judge
 02/27/2002 Def Has Judge Brudie On Felony Pv Case
 02/27/2002 Order Binding Over
 02/27/2002 Notice Of Hearing
 02/27/2002 Hearing Waived - Preliminary
 02/27/2002 Hearing Scheduled - District Ct (03/06/2002) Jeff M. Brudie
 03/01/2002 Information
 03/06/2002 Arraignment / First Appearance - District Ct
 03/06/2002 Hearing Scheduled - Change Of Plea (04/24/2002) Jeff M. Brudie
 04/24/2002 Hearing Held - Change Of Plea
 04/24/2002 Continued - Change Of Plea
 04/24/2002 Hearing Scheduled - Change Of Plea (05/22/2002) Jeff M. Brudie
 05/22/2002 Hearing Held - Change Of Plea

05/22/2002 Defendant Enters Not Guilty Plea - Case Set
 05/22/2002 For Jury Trial
 05/22/2002 Hearing Scheduled - Pretrial Motions (07/10/2002) Jeff M. Brudie
 05/22/2002 Hearing Scheduled - Final Pretrial (07/10/2002) Jeff M. Brudie
 05/22/2002 Jury Trial Scheduled - (07/22/2002) Jeff M. Brudie
 05/24/2002 Amended Order Setting Jury Trial & Scheduling
 05/24/2002 Request For Discovery-defendant
 05/30/2002 Response To Request For Discovery-plaintiff
 07/09/2002 Stipulation To Continue Final Pretrial
 07/10/2002 Hearing Held - Pretrial Motion
 07/10/2002 Order Granting Stipulation To Continue Final
 07/10/2002 Pretrial Conference
 07/10/2002 Hearing Scheduled - Final Pretrial (07/17/2002) Jeff M. Brudie
 07/17/2002 Hearing result for Jury Trial Scheduled held on 07/22/2002 09:00 AM:
 Continued
 07/17/2002 Hearing result for Hearing Scheduled held on 07/17/2002 11:00 AM:
 Hearing Held
 07/17/2002 Hearing Scheduled (Jury Trial 12/16/2002 09:00 AM)
 07/17/2002 Hearing Scheduled (Final Pretrial 12/04/2002 11:00 AM)
 07/18/2002 Order Setting Jury Trial and Scheduling
 12/04/2002 Hearing result for Final Pretrial held on 12/04/2002 11:00 AM: Hearing
 Held
 12/04/2002 Hearing result for Jury Trial held on 12/16/2002 09:00 AM: Hearing
 Vacated
 12/04/2002 Dismissed by Prosecutor (I37-2732(A)(1)(A)-DEL Controlled Substance-
 delivery)
 12/04/2002 Case Status Changed: closed pending clerk action
 12/04/2002 Final Judgement, Order Or Decree Entered
 12/04/2002 Case Status Changed: closed
 12/04/2002 Case Status Changed: Closed
 12/05/2002 Motion to Dismiss - State
 12/05/2002 Order to Dismiss

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-2001-0001375 Magistrate Judge: **Kent J. Merica** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	04/27/2001	I18-8001 Driving Without Privileges Arresting Officer: Whipple, Steve, LPD	62279	Finding: Guilty Disposition date: 06/05/2001 Fines/fees: \$0.00

**Register
of
actions:**

04/30/2001 New Case Filed
 04/30/2001 Criminal Complaint
 04/30/2001 Affidavit Of Probable Cause
 04/30/2001 Initial Determination Of Probable Cause
 04/30/2001 Hearing Scheduled - Arraignment (04/30/2001) Greg Kalbfleisch
 04/30/2001 Bond Posted - Surety
 05/07/2001 Hearing Vacated
 05/07/2001 Notification Of Rights-misdemeanor

05/07/2001 Appear & Plead Not Guilty
 05/07/2001 Notice Of Hearing
 05/07/2001 Change Assigned Judge
 05/07/2001 Hearing Scheduled - Pre-trial Conference (05/29/2001) Greg Kalbfleisch
 05/29/2001 Continued
 05/29/2001 Pretrial Motion And Order
 05/29/2001 Notice Of Hearing
 05/29/2001 Hearing Scheduled - Pre-trial Conference (06/05/2001) Kent J. Merica
 05/29/2001 Change Assigned Judge
 06/04/2001 Affidavit Of Financial Status *granted*
 06/05/2001 Change Plea To Guilty Before H/t
 06/05/2001 Pretrial Motion And Order
 06/05/2001 Sentenced To Fine And Incarceration
 06/05/2001 Order Suspending Driver's License
 06/05/2001 Deferred Payment Agreement
 06/05/2001 Final Judgement, Order Or Decree Entered
 06/05/2001 Bond Exonerated
 06/05/2001 Case Status Closed But Pending
 07/11/2001 Amended Commitment
 08/20/2001 Amended Commitment-to Serve The Remaining
 08/20/2001 6 Days In A Row Starting 9-15-01-no More
 08/20/2001 Extensions On Serving Jail Time!!!!!!
 09/19/2001 Amended Commitment-to Serve Remaining 6 Days
 09/19/2001 In A Row Beginning 9-24-01 @ 6 Pm-he's No
 09/19/2001 Longer Contagious Per His Doctor - No More
 09/19/2001 Extensions To Serve Jail Time
 12/04/2001 Deferred Payment Agreement
 ***** Account is in Collections***** - Step 1, Failure to Pay Fines and
 06/23/2005 Fees - Charge # 1, Driving Without Privileges Appearance date:
 6/23/2005
 07/28/2005 ***IN HARD COLLECT - PAYMENTS NEED TO BE SENT TO
 ALLIANCEONE***
 ****ACCOUNT IS IN COLLECTIONS W/CBLC**** - Step 2, Failure to
 10/06/2008 Pay Fines and Fees - Charge # 1, Driving Without Privileges
 Appearance date: 10/6/2008
 04/11/2012 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-2001-0006606	Magistrate Judge:	Magistrate Court Clerks	Amount due: \$0.00	Closed
Charges:	Violation Date	Charge	Citation	Disposition
	04/05/2001	149-673 Safety Restraint-fail To Use	61931	Finding: Guilty Disposition date: 01/11/2002 Fines/fees: \$5.00
		Arresting Officer: Kjorness, Eric, LPD		

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-2000-0004250	Magistrate Judge:	Kent J. Merica	Amount due: \$0.00	Closed
Charges:	Violation Date	Charge	Citation	Disposition

11/01/2000 I37-2732(D) Controlled Substance-frequenting Place Used,etc
 Arresting Officer: Whipple, Steve, LPD
 58295
 Finding: Guilty
 Disposition date: 12/19/2000
 Fines/fees: \$234.50

Register of actions:

11/29/2000 New Case Filed
 11/29/2000 Criminal Complaint
 11/29/2000 Appear & Plead Not Guilty
 11/29/2000 Notification Of Rights-misdemeanor
 11/29/2000 Notice Of Pretrial
 11/29/2000 Hearing Scheduled - Pre-trial Conference (12/19/2000) Kent J. Merica
 11/29/2000 Change Assigned Judge
 12/19/2000 Failure To Appear For Hearing Or Trial
 12/19/2000 Failure To Appear Warrant Issued
 12/19/2000 Change Plea To Guilty Before H/t
 12/19/2000 Sentenced To Pay Fine
 12/19/2000 Final Judgement, Order Or Decree Entered
 01/31/2001 Warrant Quashed
 01/31/2001 Warrant Recalled
 03/13/2001 Disposition With Hearing
 03/13/2001 Deferred Payment Agreement
 03/13/2001 Final Judgement, Order Or Decree Entered
 03/13/2001 Case Status Closed But Pending
 09/13/2001 Deferred Payment Agreement
 03/08/2002 Final Deferred Payment Agreement
 ***** Account is in Collections***** - Step 1, Failure to Pay Fines and
 11/04/2005 Fees - Charge # 1, Controlled Substance-frequenting Place Used,etc
 Appearance date: 11/4/2005
 ***IN HARD COLLECT - PAYMENTS NEED TO BE SENT TO CREDIT
 12/13/2005 BUREAU OF LEWISTON-CLARKSTON***
 02/28/2006 Assignment Of Judgment To Collections
 ****ACCOUNT IS IN COLLECTIONS W/CBLC**** - Step 2, Failure to
 10/06/2008 Pay Fines and Fees - Charge # 1, Controlled Substance-frequenting
 Place Used,etc Appearance date: 10/6/2008
 04/11/2012 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer

No hearings scheduled

Case: CR-2000-0002570 District Judge: Jeff M. Brudie Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	07/03/2000	Original: I37-2732(A)(1)(A)-DEL Controlled Substance-delivery Amended: I37-2732(C)(1) Controlled Substance- possession Of Arresting Officer: Lutes, Steven G, NPCSO		Finding: Guilty Disposition date: 05/23/2001 Fines/fees: \$1,088.50 Jail: 90 days Suspended Jail: 86 days Discretionary: 6 days Det Penitentiary: 18 months Indet Penitentiary: 5 years

Probation: 5 years

Register
of
actions:

Date

07/03/2000 New Case Filed
07/03/2000 Affidavit Of Probable Cause
07/03/2000 Initial Determination Of Probable Cause
07/03/2000 Criminal Complaint
07/03/2000 Hearing Scheduled - Arraignment (07/03/2000) Greg Kalbfleisch
07/03/2000 Change Assigned Judge
07/03/2000 Arraignment / First Appearance
07/03/2000 Notification Of Rights
07/03/2000 Affidavit Of Financial Status
07/03/2000 Order Appointing Public Defender
07/05/2000 Bond Posted - Surety
07/05/2000 Hearing Scheduled - Preliminary (07/12/2000) Greg Kalbfleisch
07/12/2000 Continued - Preliminary
07/13/2000 Hearing Scheduled - Preliminary (09/06/2000) Kent J. Merica
07/13/2000 Notice Of Hearing
07/20/2000 Sheriff's Cert Of Surrender Of Def By Bondsm
07/26/2000 Sheriff's Certificate Of Surrender Of
07/26/2000 Defendant By Bondsman
07/31/2000 Bond Exonerated
08/10/2000 Bond Posted - Surety
09/06/2000 Failure To Appear For Hearing Or Trial - Preliminary
09/11/2000 Failure To Appear Warrant Issued
09/11/2000 Notice Of Bond Forfeiture
10/02/2000 Warrant Returned
10/02/2000 Hearing Scheduled - Preliminary (10/11/2000) Greg Kalbfleisch
10/02/2000 Bond Exonerated
10/11/2000 Hearing Waived - Preliminary
10/11/2000 Preliminary Hearing Waived (bound Over)
10/11/2000 Transfer In (from Idaho Court Or County)
10/12/2000 Hearing Scheduled - Arraignment (10/25/2000) Ron Schilling
10/12/2000 Arraignment Notice
10/12/2000 Order Binding Over
10/12/2000 Information
10/25/2000 Arraignment / First Appearance
10/25/2000 Hearing Scheduled - Change Of Plea (12/13/2000) Ron Schilling
12/13/2000 Hearing Held - Change Of Plea
12/13/2000 Continued - Change Of Plea
12/13/2000 Hearing Scheduled - Change Of Plea (01/31/2001) Ron Schilling
01/31/2001 Hearing Held - Change Of Plea
01/31/2001 *defendant Moves To Reset Case For Jury Trial
01/31/2001 *court Resets Case For Trial
01/31/2001 Hearing Scheduled - Final Pretrial (04/18/2001) Ron Schilling
01/31/2001 Jury Trial Scheduled - (04/23/2001) Ron Schilling
02/01/2001 Request For Discovery-defendant
02/06/2001 Order Setting Jury Trial & Scheduling
02/08/2001 Request For Discovery-plaintiff
02/12/2001 Discovery Compliance - Defendant
02/13/2001 Response To Request For Discovery-plaintiff

04/05/2001 1st Supp. Response To Request For Discovery-p
04/18/2001 Hearing Held - Final Pretrial
04/18/2001 Hearing Vacated - Jury Trial
04/18/2001 Hearing Scheduled - Change Of Plea (04/25/2001) Ron Schilling
04/25/2001 Hearing Held - Change Of Plea
04/25/2001 Idaho Criminal Rule 11 Plea Agreement
04/25/2001 Charge Reduced Or Amended To Possession Of
04/25/2001 **of A Controlled Substance Ic 37-2732(c)(1)
04/25/2001 Change Plea To Guilty Before H/t
04/25/2001 Hearing Scheduled - Sentencing (05/23/2001) Ron Schilling
04/25/2001 Presentence Investigation Ordered By 5-21-01
04/30/2001 Information
05/21/2001 Received: Psi Report
05/23/2001 Hearing Held - Sentencing
05/23/2001 Withheld Judgment Entered - 5 Years
05/23/2001 Probation Ordered - See File For Terms
05/23/2001 Sentenced To Pay Fine
05/23/2001 *ordered To Pay \$1000.00 Fine + Cc (\$88.50)
05/23/2001 *to Begin Paying \$50.00 On 7-10-01
05/23/2001 *court Orders \$200.00 For Vict. Restitution
05/23/2001 *for Isp Drug Account-to Be Paid After Court
05/23/2001 Presentence Investigation Sealed In File
05/23/2001 Case Status Closed But Pending
05/29/2001 Order Withholding Judgment And
05/29/2001 **order Of Probation
05/30/2001 Lodged: Agreement Of Supervision
05/30/2001 Lodged: Intensive Supervision Agreement
06/14/2001 Order For Restitution & Judgment-isp Drug Acc
06/29/2001 Administrative Order Assigning Judge Brudie
06/29/2001 Change Assigned Judge
10/30/2001 Motion For Extension Of Time To Make Court
10/30/2001 ***ordered Payments - Defendant
11/02/2001 Order Granting Motion For Extension Of Time
11/02/2001 **to Make Court Ordered Payments
12/19/2001 Reopen (case Previously Closed)
12/19/2001 Arrested On Agent's Warrant
12/19/2001 Hearing Scheduled - P V Initial App (01/02/2002) Jeff M. Brudie
12/19/2001 Report Of Probation Violation
12/21/2001 Bond Posted - Surety
12/21/2001 Motion For Summons
12/24/2001 Summons On Felony (felony Only)
01/02/2002 Hearing Held - P V Initial App
01/02/2002 *denials Entered To Probation Violations
01/02/2002 Hearing Scheduled - P.v. Merit (02/01/2002) Jeff M. Brudie
01/04/2002 Summons Returned - Served
02/01/2002 Hearing Held - P.v. Merit
02/01/2002 *admissions Entered To Sum. #2,#6,10 & #12
02/01/2002 *state Withdraws Remaining Allegations
02/01/2002 Hearing Scheduled - P V Disposition (03/06/2002) Jeff M. Brudie
02/01/2002 Court Orders Special Progress Report From
02/01/2002 *p&p By 3-1-02

02/22/2002 Received: Special Progress Report From P&p
03/06/2002 Hearing Held - P V Disposition
03/06/2002 Continued - P V Disposition
03/06/2002 Hearing Scheduled - P V Disposition (04/24/2002) Jeff M. Brudie
04/24/2002 Hearing Held - P V Disposition
04/24/2002 Continued - P V Disposition
04/24/2002 Hearing Scheduled - P V Disposition (05/22/2002) Jeff M. Brudie
05/22/2002 Disposition With Hearing - P V Disposition
05/22/2002 Court Revokes Withheld Judgment
05/22/2002 Sentenced To Incarceration
05/22/2002 *sentenced To The Isbofc For
05/22/2002 *18 Months To 5 Years - Court Suspend
05/22/2002 *sentence & Places Defendant On Probation
05/22/2002 *under The Same Terms And Condition As
05/22/2002 *previously Ordered.
05/22/2002 Court Adds Additional Term - Court Orders
05/22/2002 30 Days Jail To Be Imposed At The
05/22/2002 Discretion Of The Probation Officer
05/22/2002 Final Judgement, Order Or Decree Entered
05/22/2002 Court revokes withheld judgment, enters judgment of conviction and places defendant on probation for 5 years beginning 5-22-02.
05/28/2002 Order Revoking Withheld Judgment, Judgment
05/28/2002 Of Conviction And Order Suspending
05/28/2002 Sentence (filed)
05/28/2002 Bond Exonerated
05/28/2002 Case Status Closed But Pending
01/16/2003 Late Payment Letter to Dept of Probation and Parole
05/14/2003 Voided Receipt (Receipt# 224681 dated 05/14/2003)
01/06/2004 Late payment letter sent to Dept. of Probation and Parole
12/15/2005 Case Status Changed: reopened
12/15/2005 Motion For Order To Show Cause
12/15/2005 Affidavit of Joyce Kaufman
12/23/2005 Order To Show Cause
12/23/2005 Hearing Scheduled (Order to Show Cause 01/11/2006 09:00 AM)
01/11/2006 Hearing result for Order to Show Cause held on 01/11/2006 09:00 AM: Continued
01/11/2006 Hearing Scheduled (Order to Show Cause 01/25/2006 09:00 AM)
01/23/2006 Motion to Vacate OTSC Hearing - Filed by State (Victim's Restitution has been paid in full)
01/24/2006 Order to Vacate OTSC Hearing
01/24/2006 Hearing result for Order to Show Cause held on 01/25/2006 09:00 AM: Hearing Vacated
01/24/2006 Disposition Without Trial Or Hearing
01/24/2006 Final Judgement, Order Or Decree Entered
01/24/2006 Case Status Changed: closed pending clerk action
02/15/2006 Request for Discretionary Jail Time
02/15/2006 Order for Discretionary Jail Time (Defendant to serve 2 days discretionary jail time)
05/03/2006 Report Of Probation Violation
05/04/2006 Motion for Summons
05/05/2006 Summons Issued
05/05/2006 Case Status Changed: Inactive

05/05/2006 Hearing Scheduled (Initial Appearance on P.V. 05/17/2006 09:00 AM)
05/16/2006 Summons Returned - UNSERVED
05/16/2006 Case Status Changed: Activate (previously inactive)
05/17/2006 Hearing Scheduled (Initial Appearance on P.V. 05/31/2006 09:00 AM)
05/17/2006 Drug Court Participation Form
05/17/2006 Hearing result for Initial Appearance on P.V. held on 05/17/06 09:00 AM;
Continued
05/31/2006 Hearing result for Initial Appearance on P.V. held on 05/31/2006 09:00
AM: Hearing Held
05/31/2006 Admissions entered to probation violations
05/31/2006 Hearing Scheduled (P.V Disposition 06/14/2006 10:00 AM)
06/14/2006 Hearing result for P.V Disposition held on 06/14/2006 10:00 AM:
Continued
06/14/2006 Hearing Scheduled (P.V Disposition 06/28/2006 10:00 AM)
06/28/2006 Hearing result for P.V Disposition held on 06/28/2006 10:00 AM:
Disposition With Hearing
06/28/2006 Sentenced ModifiedSentence modified on 6/28/2006. (I37-2732(C)(1)
Controlled Substance-possession Of)
Sentenced To Incarceration - Court orders additional term of 90 days in
06/28/2006 NPC Jail - Court holds 90 day jail sentence in abeyance on condition
defendant comply with counseling and terms of probation.
06/28/2006 Hearing Scheduled (Review Hearing 07/26/2006 09:00 AM)
06/28/2006 Case Status Changed: closed pending clerk action
06/29/2006 Order Reinstating Probation
07/21/2006 Hearing result for Review Hearing held on 07/26/2006 09:00 AM:
Continued
07/21/2006 Hearing Scheduled (Review Hearing 07/28/2006 09:00 AM)
07/21/2006 Notice Of Hearing
07/26/2006 Continued (Review Hearing 7-28-06 1:30 PM)
07/28/2006 Hearing result for Review Hearing held on 07/28/2006 01:30 PM:
Hearing Held
07/28/2006 Hearing Scheduled (Review Hearing 08/30/2006 09:00 AM)
08/30/2006 Hearing result for Review Hearing held on 08/30/2006 09:00 AM:
Hearing Held
08/30/2006 Hearing Scheduled (Review Hearing 09/27/2006 09:00 AM)
09/27/2006 Hearing result for Review Hearing held on 09/27/2006 09:00 AM:
Hearing Held
09/27/2006 Hearing Scheduled (Review Hearing 11/01/2006 09:00 AM)
11/01/2006 Hearing result for Review Hearing held on 11/01/2006 09:00 AM:
Hearing Held
11/01/2006 Hearing Scheduled (Review Hearing 12/06/2006 09:00 AM)
12/06/2006 Hearing result for Review Hearing held on 12/06/2006 09:00 AM:
Hearing Held
12/06/2006 Hearing Scheduled (Review Hearing 01/10/2007 09:00 AM)
01/10/2007 Hearing result for Review Hearing held on 01/10/2007 09:00 AM:
Hearing Held
01/10/2007 Hearing Scheduled (Review Hearing 02/14/2007 09:00 AM)
02/14/2007 Hearing result for Review Hearing held on 02/14/2007 09:00 AM:
Hearing Held
02/14/2007 Hearing Scheduled (Review Hearing 03/21/2007 09:00 AM)
03/13/2007 Request for Discretionary Jail Time
03/14/2007 Order for Discretionary Jail Time - 4 days Discretionary Jail Time
03/21/2007 Hearing result for Review Hearing held on 03/21/2007 09:00 AM:
Hearing Held
03/21/2007 Hearing Scheduled (Review Hearing 05/02/2007 09:00 AM)

05/02/2007 Hearing result for Review Hearing held on 05/02/2007 09:00 AM:
Hearing Held

05/02/2007 Hearing Scheduled (Review Hearing 06/13/2007 09:00 AM)

06/13/2007 Hearing result for Review Hearing held on 06/13/2007 09:00 AM:
Hearing Held

08/10/2007 Case End Summary

09/05/2007 Request for Discharge

09/20/2007 Order for Discharge

09/20/2007 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-2000-0000745** Magistrate Judge: **Greg K. Kalbfleisch** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	02/21/2000	118-8001 {M} Driving Without Privileges Arresting Officer: Koeper, Terry, LPD	49457	Finding: Guilty Disposition date: 04/04/2000 Fines/fees: \$50.00
	02/21/2000	149-1232 Insurance-fail To Provide Proof Of Insurance Arresting Officer: Koeper, Terry, LPD	49456	Finding: Dismissed By Prosecutor Disposition date: 04/04/2000 Fines/fees: \$0.00
	02/21/2000	149-673 Safety Restraint-fail To Use Arresting Officer: Koeper, Terry, LPD	49456	Finding: Dismissed By Prosecutor Disposition date: 04/04/2000 Fines/fees: \$0.00

Register of actions:

Date

02/22/2000 New Case Filed

02/22/2000 Affidavit Of Probable Cause

02/22/2000 Initial Determination Of Probable Cause

02/22/2000 Criminal Complaint

02/22/2000 Hearing Scheduled - Arraignment (03/01/2000) Gary Elliott

02/22/2000 Bond Posted - Surety

02/22/2000 Hearing Vacated

02/22/2000 Notification Of Rights-misdemeanor

02/22/2000 Notice Of Hearing

02/22/2000 Hearing Scheduled - Pre-trial Conference (03/14/2000) Greg Kalbfleisch

02/22/2000 Change Assigned Judge

03/14/2000 Continued

03/14/2000 Pretrial Motion And Order

03/14/2000 Notice Of Hearing

03/14/2000 Hearing Scheduled - Pre-trial Conference (04/04/2000) Greg Kalbfleisch

04/04/2000 Change Plea To Guilty Before H/t

04/04/2000 Pretrial Motion And Order

04/04/2000 Sentenced To Fine And Incarceration

04/04/2000 Order Suspending Driver's License

04/04/2000 Deferred Payment Agreement

04/04/2000 Final Judgement, Order Or Decree Entered

04/05/2000 Bond Exonerated

08/30/2000 Deferred Payment Agreement
 03/05/2001 Affidavit Of Ftp Processed
 03/13/2001 Deferred Payment Agreement
 05/07/2001 Case Status Closed But Pending
 09/13/2001 Deferred Payment Agreement
 03/08/2002 Final Deferred Payment Agreement
 ***** Account is in Collections***** - Failure to Pay Fines and Fees -
 05/12/2006 Charge # 1, Driving Without Privileges Step 1, Failure to Pay Fines and
 Fees - Charge # 1, Driving Without Privileges Appearance date:
 5/12/2006
 06/19/2006 ***IN HARD COLLECT - PAYMENTS NEED TO BE SENT TO
 ALLIANCEONE***
 ****ACCOUNT IS IN COLLECTIONS W/CBLC**** - Step 2, Failure to
 10/06/2008 Pay Fines and Fees - Charge # 1, Driving Without Privileges
 Appearance date: 10/6/2008
 04/11/2012 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
 No hearings scheduled

Case: CR-1999-0003337 Magistrate Judge: Kent J. Merica Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	08/24/1999	Original: I18-8001 {M} Driving Without Privileges Amended: I49-301 Drivers License-fail To Purchase/invalid Arresting Officer: Henderson, Richard, NPCSO	15349	Finding: Guilty Disposition date: 12/07/1999 Fines/fees: \$0.00 Other Confinement: 25 days Probation: 30 days
	08/24/1999	I49-654 Speed-maximum Speed Limitations And Basic Rule Vio Arresting Officer: Henderson, Richard, NPCSO	13947	Finding: Dismissed By Prosecutor Disposition date: 03/08/2000 Fines/fees: \$0.00
	08/25/1999	I19-3901A Failure To Appear For Misdemeanor Citation Arresting Officer: Henderson, Richard, NPCSO		Finding: Dismissed By Prosecutor Disposition date: 02/02/1999 Fines/fees: \$0.00

Register of actions:

Date	Register of actions:
08/25/1999	New Case Filed
08/25/1999	Affidavit Of Probable Cause
08/25/1999	Initial Determination Of Probable Cause
08/25/1999	Criminal Complaint
08/25/1999	Hearing Scheduled - Arraignment (09/02/1999) Kent J. Merica
08/25/1999	Bond Posted - Surety
09/07/1999	Continued
09/07/1999	Hearing Scheduled - Arraignment (09/15/1999) Kent J. Merica
10/15/1999	Fta Opened
10/15/1999	Failure To Appear Warrant Issued
10/15/1999	Notice Of Bond Forfeiture
11/22/1999	Warrant Returned
11/22/1999	Arraignment / First Appearance
11/22/1999	Notification Of Rights

11/22/1999 Affidavit Of Financial Status
11/22/1999 Order Appointing Public Defender
11/22/1999 Hearing Scheduled - Pre-trial Conference (12/07/1999) Kent J. Merica
11/23/1999 Bond Exonerated
11/23/1999 Bond Posted - Surety
12/07/1999 Charge Reduced Or Amended
12/07/1999 Guilty Plea
12/07/1999 Pretrial Motion And Order
12/07/1999 Sentenced To Pay Fine
12/07/1999 Deferred Payment Agreement
12/07/1999 Final Judgement, Order Or Decree Entered
12/07/1999 Bond Exonerated
12/07/1999 25 Days Of In-home Monitoring In Place By
12/07/1999 12-14-1999.
12/07/1999 Fta Closed
12/07/1999 Case Status Closed But Pending
12/07/1999 Probation Ordered (149-301 Drivers License-fail To Purchase/invalid)
Probation term: 30 days. (Supervised)
02/04/2000 Reopen (case Previously Closed)
02/04/2000 Affidavit Of Probation Violation/otsc
02/14/2000 Order To Show Cause
02/15/2000 Hearing Scheduled - (03/07/2000) Kent J. Merica
03/07/2000 Failure To Appear For Hearing Or Trial
03/08/2000 Failure To Appear Warrant Issued
04/05/2000 Warrant Returned
04/05/2000 Hearing Scheduled - (04/18/2000) Kent J. Merica
04/05/2000 Hearing Scheduled - (04/18/2000) Kent J. Merica
04/18/2000 Disposition With Hearing
04/18/2000 Dphr Entered In Error
04/18/2000 Should've Been Hrhd
04/18/2000 Hearing Scheduled - (05/22/2000) Kent J. Merica
05/08/2000 Deferred Payment Agreement
05/22/2000 Failure To Appear For Hearing Or Trial
05/22/2000 Failure To Appear Warrant Issued
07/03/2000 Warrant Returned
07/03/2000 Hearing Scheduled - (08/14/2000) Kent J. Merica
07/05/2000 Bond Posted - Surety
07/26/2000 Sheriff's Certificate Of Surrender Of
07/26/2000 Defendant By Bondsman
07/31/2000 Bond Exonerated
08/10/2000 Bond Posted - Surety
08/14/2000 Disposition With Hearing
08/14/2000 Probation Extended 30 Days
08/14/2000 Final Judgement, Order Or Decree Entered
08/14/2000 Pay Elec. Mon. By 8-28-00.
08/14/2000 Sentenced Modified
08/16/2000 Bond Exonerated
08/16/2000 Case Status Closed But Pending
11/13/2000 Affidavit Of Ftp Processed
12/19/2000 Deferred Payment Agreement
03/13/2001 Deferred Payment Agreement
09/13/2001 Deferred Payment Agreement

03/08/2002 Final Deferred Payment Agreement
 Affidavit and Notice of Failure to Pay- multi. chg - Step 1, Failure to Pay
 10/06/2008 Fines and Fees - Charge # 1, Drivers License-fail To Purchase/invalid
 Appearance date: 10/6/2008
 ****ACCOUNT IS IN COLLECTIONS W/CBLC**** - Step 2, Failure to
 11/10/2008 Pay Fines and Fees - Charge # 1, Drivers License-fail To
 Purchase/invalid Appearance date: 11/10/2008
 04/11/2012 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-1999-0001412** Magistrate Judge: **Greg K. Kalbfleisch** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	04/03/1999	118-8001 Driving Without Privileges Arresting Officer: Petrie, Jon, LPD	46010	Finding: Guilty Disposition date: 06/29/1999 Fines/fees: \$14.40
	04/03/1999	149-1232 Insurance-fail To Provide Proof Of Insurance Arresting Officer: Petrie, Jon, LPD	46009	Finding: Dismissed By Prosecutor Disposition date: 06/29/1999 Fines/fees: \$0.00
	04/03/1999	149-654(2) Speed-exceed Maximum Speed Limit Arresting Officer: Petrie, Jon, LPD	46009	Finding: Dismissed By Prosecutor Disposition date: 06/29/1999 Fines/fees: \$0.00

Register
of
actions:

Date

- 04/05/1999 New Case Filed
- 04/05/1999 Affidavit Of Probable Cause
- 04/05/1999 Initial Determination Of Probable Cause
- 04/05/1999 Criminal Complaint
- 04/05/1999 Hearing Scheduled - Arraignment (04/05/1999) Gary Elliott
- 04/05/1999 Bond Posted - Surety
- 04/13/1999 Hearing Scheduled - Arraignment Cont. (04/19/1999) Gary Elliott
- 04/19/1999 Appear & Plead Not Guilty
- 04/19/1999 Notice Of Rights
- 04/19/1999 Notice Of Pre Trial
- 04/19/1999 Affidavit Of Financial Status
- 04/19/1999 Hearing Scheduled - Pre-trial Conference (05/11/1999) Kent J. Merica
- 04/19/1999 Change Assigned Judge
- 05/11/1999 Continued
- 05/11/1999 Pretrial Motion And Order
- 05/11/1999 Hearing Scheduled - Pre-trial Conference (06/29/1999) Gary Elliott
- 05/12/1999 Hearing Scheduled - Pre-trial Conference (06/29/1999) Gary Elliott
- 06/29/1999 Pretrial Motion And Order
- 06/29/1999 Change Plea To Guilty Before H/t
- 06/29/1999 Order Suspending Driver's License
- 06/29/1999 Community Service Order
- 06/29/1999 Sentenced To Pay Fine
- 06/29/1999 Deferred Payment Agreement

06/29/1999 Final Judgement, Order Or Decree Entered
 06/29/1999 Bond Exonerated
 06/29/1999 Case Status Closed But Pending
 07/02/1999 Application For Restricted License
 07/07/1999 Temporary Restricted License Issued
 12/29/1999 Deferred Payment Agreement
 04/03/2000 Affidavit Of Ftp Processed
 10/10/2000 Affidavit Of Ftp Processed
 11/24/2000 Reopen (case Previously Closed)
 11/24/2000 Warrant Issued - Ftp
 12/14/2000 Warrant Returned
 12/14/2000 Disposition With Hearing
 12/14/2000 Sat Out Fine In Jail (4 Days @ \$35 A Day)
 12/14/2000 Deferred Payment Pd Fee And Costs Only
 12/14/2000 Final Judgement, Order Or Decree Entered
 12/14/2000 Case Status Closed But Pending
 03/13/2001 Deferred Payment Agreement
 09/13/2001 Deferred Payment Agreement
 03/08/2002 Final Deferred Payment Agreement
 Affidavit and Notice of Failure to Pay- multi. chg - Step 1, Failure to Pay
 10/06/2008 Fines and Fees - Charge # 1, Driving Without Privileges Appearance
 date: 10/6/2008
 ****ACCOUNT IS IN COLLECTIONS W/CBLC**** - Step 2, Failure to
 11/10/2008 Pay Fines and Fees - Charge # 1, Driving Without Privileges
 Appearance date: 11/10/2008
 04/11/2012 Case Status Changed: closed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: CR-1998-0001870 Magistrate Judge: Jay P. Gaskill Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	05/14/1998	149-1428 Insurance-operate Mv Without Liability Insurance Arresting Officer: Nelson, Ron, LPD	38713	Finding: Dismissed By Prosecutor Disposition date: 06/09/1998 Fines/fees: \$0.00
	05/14/1998	149-602 Vehicle-leave Motor Veh Unattended Arresting Officer: Nelson, Ron, LPD	38714	Finding: Dismissed By Prosecutor Disposition date: 06/09/1998 Fines/fees: \$0.00

Register of actions:

05/20/1998 New Case Filed
 05/20/1998 Appear & Plead Not Guilty
 05/20/1998 Hearing Scheduled - Pre-trial Conference (06/09/1998) Gary Elliott
 06/09/1998 Dismissed Before Trial Or Hearing
 06/09/1998 Pretrial Motion And Order
 06/09/1998 Final Judgement, Order Or Decree Entered

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-1998-0001803** Magistrate Judge: **Kent J. Merica** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	05/15/1998	118-8001 {F} Driving Without Privileges Arresting Officer: Meyers, David, LPD		Finding: Dismissed By Prosecutor Disposition date: 05/20/1998 Fines/fees: \$0.00

Register of actions:

Date	
05/15/1998	New Case Filed
05/15/1998	Affidavit Of Probable Cause
05/15/1998	Initial Determination Of Probable Cause
05/15/1998	Complaint - Criminal
05/15/1998	Hearing Scheduled - Arraignment (05/15/1998) Greg Kalbfleisch
05/15/1998	Arraignment / First Appearance
05/15/1998	Affidavit Of Financial Status
05/15/1998	Order Appointing Public Defender
05/15/1998	Hearing Scheduled - Preliminary (05/20/1998) Carl Kerrick
05/15/1998	Bond Set @ \$1000.00
05/18/1998	Bond Posted - Surety
05/20/1998	Dismissed During/after Trial/hearing - Preliminary
05/20/1998	Court Abstract Filed
05/20/1998	Final Judgement, Order Or Decree Entered
05/20/1998	Bond Exonerated
05/21/1998	Motion To Dismiss - Filed
05/26/1998	Order To Dismiss - Filed
06/09/1998	Order Of Bond Release

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-1997-0001243** Magistrate Judge: **Kent J. Merica** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	04/22/1997	Original: 118-8001 {F} Driving Without Privileges Amended: 149-301 Drivers License-fail To Purchase/invalid Arresting Officer: Meyers, David, LPD		Finding: Guilty Disposition date: 07/16/1997 Fines/fees: \$363.50

Register of actions:

Date	
04/22/1997	New Case Filed
04/22/1997	Affidavit Of Probable Cause
04/22/1997	Magistrate's Finding Of Probable Cause
04/22/1997	Criminal Complaint
04/22/1997	Summons Issued
04/22/1997	Hearing Scheduled - Arraignment (05/05/1997) Carl Kerrick
04/23/1997	Amended Summons Issued
04/23/1997	Hearing Scheduled - Arraignment (05/07/1997) Carl Kerrick
05/07/1997	Arraignment / First Appearance

05/07/1997 Hearing Scheduled - Preliminary Hrg (05/28/1997) Carl Kerrick
 05/28/1997 Continued - Preliminary Hrg
 05/28/1997 Defendant Asked In Court To Give Correct Mail
 05/28/1997 Address - He Gave Address Of General Delivery
 05/28/1997 Lewiston
 05/30/1997 Hearing Scheduled - Preliminary Hrg (06/25/1997) Carl Kerrick
 06/25/1997 Continued - Preliminary Hrg
 06/25/1997 Hearing Scheduled - Preliminary Hrg (07/16/1997) Carl Kerrick
 07/16/1997 Charge Reduced Or Amended - Preliminary Hrg
 07/16/1997 Change Plea To Guilty Before H/t - Preliminary Hrg
 07/16/1997 Sentenced To Pay Fine
 07/16/1997 Deferred Payment Agreement
 07/16/1997 Final Judgement, Order Or Decree Entered
 07/16/1997 Case Status Closed But Pending
 08/04/1997 Amended Complaint
 10/16/1997 Affidavit Of Ftp Processed
 01/26/1998 Reopen (case Previously Closed)
 01/26/1998 Warrant Issued - Ftp
 02/17/1998 Warrant Returned
 02/17/1998 Disposition With Hearing
 02/17/1998 Deferred Payment Agreement
 02/17/1998 Final Judgement, Order Or Decree Entered
 02/17/1998 Case Status Closed But Pending
 02/26/1998 Affidavit Of Ftp Processed
 03/21/2003 Case Status Changed (batch process)

 State of Idaho vs. Robert Lee Bauer

No hearings scheduled

Case: CR-1995-0001324 Magistrate Judge: Greg K. Kalbfleisch Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	05/25/1995	Original: I18-2403 {F} Theft-grand Amended: I18-2403(1) {M} Theft-petit Arresting Officer: Pedersen, Mike, LPD		Finding: Guilty Disposition date: 07/05/1995 Fines/fees: \$622.00 Jail: 30 days Suspended Jail: 28 days Probation: 6 months

Register
 of
 actions:

Date
 05/25/1995 New Case Filed
 05/25/1995 Affidavit For Out Of County Subpoena
 05/25/1995 Criminal Complaint
 05/25/1995 Summons Filed
 05/25/1995 Hearing Scheduled - Arraignment (06/14/1995) William Stellmon
 06/14/1995 Preliminary Hearing Held
 06/14/1995 Affidavit Of Financial Status
 06/14/1995 Order Appointing Public Defender
 06/14/1995 Hearing Scheduled - Preliminary Hrg (07/05/1995) William Stellmon
 07/05/1995 Charge Reduced Or Amended - Preliminary Hrg
 07/05/1995 Court Abstract Filed

07/05/1995 Change Plea To Guilty Before H/t
 07/05/1995 Sentenced To Fine And Incarceration
 07/05/1995 Probation Ordered
 07/05/1995 **must Pay Restitution To Victim By 1-8-96
 07/05/1995 Deferred Payment Agreement
 07/05/1995 Final Judgement, Order Or Decree Entered
 07/05/1995 Case Status Closed But Pending
 07/13/1995 Amended Complaint Filed
 08/03/1995 Reopen (case Previously Closed)
 08/03/1995 Failure To Appear Warrant Issued
 01/11/1996 Affidavit Of Ftp Processed
 01/22/1996 Warrant Issued - Ftp
 05/24/1996 Warrant Returned
 05/24/1996 Warrant Returned
 05/24/1996 Disposition With Hearing
 05/24/1996 Def To Sit Out Fine In Jail (\$401.50)
 05/24/1996 Final Judgement, Order Or Decree Entered
 03/21/2003 Case Status Changed (batch process)

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-1995-0000322** Magistrate Judge: **Kent J. Merica** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	02/06/1995	Original: I18-8001 {F} Driving Without Privileges Amended: I18-8001 {M} Driving Without Privileges Arresting Officer: Pedersen, Mike, LPD		Finding: Guilty Disposition date: 04/12/1995 Fines/fees: \$50.00 Jail: 45 days

Register

of
actions:

Date
 02/06/1995 New Case Filed
 02/06/1995 Magistrates Finding
 02/06/1995 Affidavit Of Probable Cause
 02/06/1995 Criminal Complaint
 02/06/1995 Summons Filed
 02/06/1995 Hearing Scheduled - Arraignment (02/22/1995) Carl Kerrick
 02/16/1995 Summons Returned
 02/22/1995 Arraignment / First Appearance
 02/22/1995 Affidavit Of Financial Status
 02/22/1995 Order Appointing Public Defender
 02/22/1995 Hearing Scheduled - Preliminary Hng (03/08/1995) Carl Kerrick
 03/08/1995 Continued - Preliminary Hng
 03/08/1995 Hearing Scheduled - Preliminary (03/29/1995) Carl Kerrick
 03/29/1995 Continued - Preliminary
 03/29/1995 Hearing Scheduled - Preliminary Hng (04/12/1995) Carl Kerrick
 04/12/1995 Charge Reduced To Misdemeanor
 04/12/1995 Guilty Plea Or Admission Of Guilt
 04/13/1995 Sentenced To Fine And Incarceration
 04/13/1995 Court Abstract Filed

04/13/1995 Order Suspending License 1 Yr Eff 7-26-95
 04/13/1995 Deferred Payment Agreement
 04/13/1995 Final Judgement, Order Or Decree Entered
 04/13/1995 Case Status Closed But Pending
 04/24/1995 Reopen (case Previously Closed)
 04/24/1995 Failure To Appear Warrant Issued
 04/26/1995 Warrant Returned
 04/26/1995 Disposition Without Trial Or Hearing
 04/26/1995 Final Judgement, Order Or Decree Entered
 04/26/1995 Case Status Closed But Pending
 05/25/1995 Judgment Of Conviction Filed
 07/14/1995 Deferred Payment Agreement
 08/31/1995 Affidavit Of Ftp Processed
 09/11/1995 Reopen (case Previously Closed)
 09/11/1995 Warrant Issued - Ftp
 05/24/1996 Warrant Returned
 05/24/1996 Disposition With Hearing
 05/24/1996 Def To Sit Out Fine In Jail (\$220.50)
 05/24/1996 Final Judgement, Order Or Decree Entered
 03/21/2003 Case Status Changed (batch process)

State of Idaho vs. Robert Lee Bauer

No hearings scheduled

Case: **CR-1995-0000045** Magistrate Judge: **Jay P. Gaskill** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	01/05/1995	I18-8001 {M}{2} Driving Without Privileges (second Offense) Arresting Officer: Hurd, Budd J, LPD	13839	Finding: Dismissed By Prosecutor Disposition date: 07/24/1995 Fines/fees: \$0.00
	01/05/1995	I37-2734A(1) Drug Paraphernalia-use Or Possess W/intent To Use Arresting Officer: Hurd, Budd J, LPD	13839	Finding: Dismissed By Prosecutor Disposition date: 01/17/1995 Fines/fees: \$0.00

Register of actions:

01/06/1995 New Case Filed
 01/06/1995 Affidavit Of Probable Cause
 01/06/1995 Criminal Complaint
 01/06/1995 Hearing Scheduled - Arraignment (01/06/1995) Gary Elliott
 01/06/1995 Bond Posted - Surety
 01/06/1995 Bond Posted - Surety
 01/06/1995 Arraignment / First Appearance
 01/06/1995 Hearing Scheduled - Pre-trial Conference (01/17/1995) Gary Elliott
 01/17/1995 Hearing Held - Pre-trial Conference
 01/17/1995 Order Of Dismissal (count 2)
 01/17/1995 State To File Felony On Count 1
 01/17/1995 Bond Exonerated (count 2)
 07/24/1995 Dismissed Before Trial Or Hearing
 07/24/1995 Final Judgement, Order Or Decree Entered

07/25/1995 Bond Exonerated

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-1994-0001431** Magistrate Judge: **Jay P. Gaskill** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	06/26/1994	118-8001 {M} Driving Without Privileges Arresting Officer: Nelson, Ron, LPD	11694	Finding: Guilty Disposition date: 07/26/1994 Fines/fees: \$268.50 Home Confinement: 20 days

Register of actions:

06/28/1994 New Case Filed
 06/28/1994 Criminal Complaint
 06/28/1994 Hearing Scheduled - Arraignment (07/08/1994) Gary Elliott
 07/08/1994 Continued
 07/08/1994 Hearing Scheduled - Arraignment (07/15/1994) Gary Elliott
 07/18/1994 Arraignment / First Appearance
 07/18/1994 Affidavit Of Financial Status
 07/18/1994 Order Appointing Public Defender
 07/18/1994 Hearing Scheduled - Pre-trial Conference (07/26/1994) Gary Elliott
 07/26/1994 Change Plea To Guilty Before H/t
 07/26/1994 Notification Of Subsequent Penalties
 07/26/1994 Order Suspending Driver's License-1 Year
 07/26/1994 Sentenced To Fine And Incarceration
 07/26/1994 Certificate Of Acceptance Of In-home Detention
 07/26/1994 Deferred Payment Agreement
 07/26/1994 Final Judgement, Order Or Decree Entered
 07/26/1994 Case Status Closed But Pending
 01/26/1995 Affidavit Of Ftp Processed
 01/31/1995 Reopen (case Previously Closed)
 01/31/1995 Warrant Issued - Ftp
 02/16/1995 Warrant Returned
 02/16/1995 Disposition With Hearing
 02/16/1995 Deferred Payment Agreement
 02/16/1995 Final Judgement, Order Or Decree Entered
 02/16/1995 Case Status Closed But Pending
 03/02/1995 Affidavit Of Ftp Processed

State of Idaho vs. Robert Lee Bauer
No hearings scheduled

Case: **CR-1994-0000033** Magistrate Judge: **Jay P. Gaskill** Amount due: **\$0.00** Closed

Charges:	Violation Date	Charge	Citation	Disposition
	12/19/1993	Original: 118-901 Assault Amended: 118-6409 Disturbing The Peace Arresting Officer: Mabey, J	7621	Finding: Guilty Disposition date: 01/18/1994 Fines/fees: \$149.50

Adam, LPD

Register
of
actions:

Date

01/05/1994 New Case Filed
 01/05/1994 Arraignment / First Appearance
 01/05/1994 Hearing Scheduled - Pre-trial Conference (01/18/1994) Gary Elliott
 01/18/1994 Charge Reduced Disturbing The Peace
 01/18/1994 Change Plea To Guilty Before H/t
 01/18/1994 Sentenced To Pay Fine
 01/18/1994 Deferred Payment Agreement
 01/18/1994 Final Judgement, Order Or Decree Entered
 01/18/1994 Case Status Closed But Pending
 03/07/1994 Affidavit Of Ftp Processed
 03/09/1994 Reopen (case Previously Closed)
 03/09/1994 Warrant Issued - Ftp
 06/03/1994 Warrant Returned
 06/03/1994 Disposition Without Trial Or Hearing
 06/03/1994 Final Judgement, Order Or Decree Entered
 06/07/1994 Case Status Closed But Pending
 03/21/2003 Case Status Changed (batch process)

State of Idaho vs. Robert Lee Bauer

No hearings scheduled

Case: CR-1993-0000860 Magistrate Judge: Greg K. Kalbfleisch Amount due: \$0.00 Closed

Charges:

Violation Date	Charge	Citation	Disposition
04/19/1993	118-8001 {M} Driving Without Privileges Arresting Officer: Nelson, Ron, LPD	8455	Finding: Guilty Disposition date: 05/18/1993 Fines/fees: \$197.50 Jail: 2 days
04/19/1993	149-456(2) Registration-fictitious Display Card Or Plates Arresting Officer: Nelson, Ron, LPD	8455	Finding: Dismissed By Prosecutor Disposition date: 05/18/1993 Fines/fees: \$0.00
04/19/1993	149-1229 Insurance-fail To Maintain Liability Insurance Arresting Officer: Nelson, Ron, LPD	8456	Finding: Dismissed By Prosecutor Disposition date: 05/18/1993 Fines/fees: \$0.00

Register
of
actions:

Date

04/20/1993 New Case Filed
 04/20/1993 Hearing Scheduled - Arraignment (04/30/1993) William Stellmon
 04/30/1993 Continued
 04/30/1993 Hearing Scheduled - Arraignment (05/07/1993) William Stellmon
 05/10/1993 Arraignment / First Appearance
 05/10/1993 Hearing Scheduled - Pre-trial Conference (05/18/1993) William Stellmon
 05/18/1993 Order Of Dismissal (counts 2 & 3)
 05/18/1993 Change Plea To Guilty Before H/t
 05/18/1993 Notification Of Subsequent Penalties

05/18/1993 Sentenced To Fine And Incarceration
 05/18/1993 Order Suspending Driver's License
 05/18/1993 Deferred Payment Agreement
 05/18/1993 Final Judgement, Order Or Decree Entered
 05/18/1993 Case Status Closed But Pending
 05/24/1993 **defendant Failed To Report To Jail On
 05/24/1993 **5-21-93 By 6:00 Pm To Serve 2 Days.
 05/24/1993 Reopen (case Previously Closed)
 05/24/1993 Failure To Appear Warrant Issued
 06/30/1993 Warrant Returned
 06/30/1993 Def. Arrested--to Serve 2 Days Jail
 06/30/1993 Warrant Issued - Ftp
 07/01/1993 Warrant Returned
 07/01/1993 Case Status Closed But Pending

Coeur d'Alene Credit Bureau vs. Robert Lee Bauer

Case: **CV-1993-0000293** Magistrate Filed: **03/04/1993** Subtype: **Other Claims** Judge: **J. Kent Merica** Status: **Closed 04/06/1993**

Defendants: **Bauer, Robert Lee**

Plaintiffs: **Coeur d'Alene Credit Bureau**

Disposition: Date	Judgment Type	Disposition Date	Disposition Type	Parties	In Favor Of
03/18/2008	Renewed Judgment			Bauer, Robert Lee (Defendant), Coeur d'Alene Credit Bureau (Plaintiff)	Plaintiff

Register of actions:

03/04/1993 New Case Filed
 03/04/1993 Civil Complaint, More Than \$300, Not More Than \$1000, No Prior Appearance
 03/04/1993 Summons Filed
 03/04/1993 Order Assigning Judge
 03/10/1993 Affidavit Of Service
 04/05/1993 Affidavit Of Non Mil Service
 04/05/1993 Affidavit Re: Cost & Fees
 04/05/1993 Summary Of Judgment
 04/05/1993 Application For Default
 04/06/1993 Motion For Default
 04/06/1993 Order For Default
 04/06/1993 Default
 04/06/1993 Default Judgment Entered Without Hearing
 04/06/1993 Final Judgement, Order Or Decree Entered
 04/21/1993 Affidavit Of True Balance
 04/21/1993 Application For Continuous Writ
 04/21/1993 Order For Continuous Writ
 04/22/1993 Writ Issued
 05/06/1993 Writ Returned
 03/13/1998 Motion To Renew Judgment
 03/17/1998 Order For Renewed Judgment
 03/12/2003 Motion for renewal of judgment

Filing: J3B - Special Motions Pet. To Vacate/renew/ Reopen - W/ Prior
 03/12/2003 App Paid by: Coeur D'alene Credit Bureau Inc (plaintiff) Receipt
 number: 0221748 Dated: 03/13/2003 Amount: \$9.00 (Check)
 03/13/2008 Motion To Renew Judgment
 Filing: J3B - Special Motions Pet. To Vacate/renew/ Reopen - W/ Prior
 03/13/2008 App Paid by: Coeur d'Alene Credit Bureau (plaintiff) Receipt number:
 0311012 Dated: 3/17/2008 Amount: \$9.00 (Check) For: Coeur d'Alene
 Credit Bureau (plaintiff)
 03/18/2008 Renewed Judgment
 03/18/2008 Civil Disposition entered for: Bauer, Robert Lee, Defendant; Coeur
 d'Alene Credit Bureau, Plaintiff. order date: 3/18/2008

State of Idaho vs. Robert Lee Bauer

No hearings scheduled

Case: CR-1991-0005975 Magistrate Judge: Magistrate Court Clerks Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	03/31/1991	149-1232 {I} Insurance-fail To Provide Proof Of Insurance Arresting Officer: Jenkins, Steven, LPD	91463	Finding: Guilty Disposition date: 04/16/1991 Fines/fees: \$75.00

State of Idaho vs. Robert Lee Bauer

No hearings scheduled

Case: CR-1991-0000355 Magistrate Judge: Jay P. Gaskill Amount due: \$0.00 Closed

Charges:	Violation Date	Charge	Citation	Disposition
	02/17/1991	123-1023 Beer-procuring For/consumption Under Age Arresting Officer: Gearing, Roy, ISP	961822	Finding: Guilty Disposition date: 04/02/1991 Fines/fees: \$132.50
	02/17/1991	137-2732(C)(3) Controlled Substance-possession Of Arresting Officer: Gearing, Roy, ISP	961823	Finding: Dismissed By Prosecutor Disposition date: 04/02/1991 Fines/fees: \$0.00

Register of actions:

Date

02/19/1991 New Case Filed
 02/19/1991 Bond Posted - Cash
 02/19/1991 Bond Posted - Cash
 02/22/1991 Notice Of Appearance
 02/22/1991 Written Plea Of Not Guilty
 02/22/1991 Request For Discovery-defendant
 02/22/1991 Arraignment / First Appearance
 02/22/1991 Hearing Scheduled - Pre-trial Conference (03/05/1991) Gary Elliott
 03/05/1991 Continued
 03/05/1991 Hearing Scheduled - Pre-trial Conference (04/02/1991) Gary Elliott
 03/26/1991 Response To Request For Discovery-plaintiff
 04/02/1991 Order Of Dismissal (count 2)
 04/02/1991 Change Plea To Guilty Before H/t
 04/02/1991 Sentenced To Pay Fine
 04/02/1991 Final Judgement, Order Or Decree Entered

04/02/1991 Bond Exonerated

Connection: Public

COURT MINUTES

CR-2012-0000082

State of Idaho vs. Kyle Alan Richardson

Hearing type: Final Pretrial

Hearing date: 8/16/2012

Time: 2:07 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Linda Carlton

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich PD 2012

Prosecutor: Sandra Dickerson

- 20729 Defendant present with counsel.
- 20752 Mr. Radakovich addresses the Court and in CR12-0082 Defendant objects to the use of the prelim transcript.
- 20829 Ms. Dickerson addresses the Court and the State has not had time to respond in writing but is prepared to present oral argument.
- 20840 Mr. Radakovich responds.
- 20910 Court and counsel meet in chambers.
- 22126 Court addresses counsel.
- 22204 Court vacates 8-20-12 trial date and will hear pending motions in both cases on 9-20-12 at 10:30 a.m.
- 22412 Court recess.

ORIGINAL

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

FILED

2012 AUG 24 PM 12 06

PATTY
DEPUTY
[Signature]

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

STATE'S RESPONSE TO DEFENDANT'S
OBJECTION TO ADMITTING
PRELIMINARY HEARING TESTIMONY
OF NOW DECEASED WITNESS.

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney for
Nez Perce County and hereby makes the following response to Defendant's
Objection to Admitting Preliminary Hearing Testimony of Now Deceased Witness.

Idaho Rule of Evidence 804(b)(1) reads in part:

The following are not excluded by the hearsay rule if the declarant is
unavailable as a witness:

Former testimony. Testimony given as a witness at another hearing of the
same or a different proceeding, . . . if the party against whom the testimony is now
offered, . . . had an opportunity and similar motive to develop the testimony by
direct, cross, or redirect examination.

STATE'S RESPONSE TO DEFENDANT'S
OBJECTION RE PRELIM TRANSCRIPT

Idaho Code §9-336 also addresses the issue, and pursuant to the Idaho Court of Appeals is not inconsistent with the IRE 804(b)(1). State v. Ricks, 122 Idaho 856 (Ct.App. 1992), and reads in part:

Prior to admitting into evidence recorded testimony from a preliminary hearing, the court must find that the testimony offered is:

1. Offered as evidence of a material fact and that the testimony is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and
2. That the witness is, after diligent and good faith attempts to locate, unavailable for the hearing; and
3. That at the preliminary hearing, the party against whom the admission of the testimony is sought had an adequate opportunity to prepare and cross-examine the proffered testimony.

In the case before the Court the state seeks to admit the taped testimony of the witness at preliminary hearing along with the transcript of that witness's testimony.

The witness was the confidential informant who participated in the controlled deliveries of methamphetamine by the defendant to the confidential informant, the very basis of the charges against the defendant. There is no other evidence of this direct nature that can be procured by the State.

The witness, Robert Bauer, is deceased.

And finally, item number three (3) of Idaho Code §9-336, which based on Defendant's brief in objection, seems to be where the parties differ in their perception of what occurred at the preliminary hearing on February 22, 2012 , four (4) months after the defendant's arrest. The initial preliminary hearing was

scheduled for November 2, 2011. Six continuances later, it was finally held on February 22, 2012.

After plea negotiations didn't result in a resolution, the state disclosed ALL audio files of the body wires, phone calls, and debriefs involving these controlled buys to defendant's counsel on February 6, 2012 (see Attached State's Amended Exhibit B), over two weeks prior to the preliminary hearing. Two weeks prior to the preliminary hearing, defendant and counsel knew the identity of the confidential informant through the tapes supplied by the State, providing counsel with adequate opportunity to prepare for cross examination of Mr. Bauer at the preliminary hearing.

Defense counsel is being modest. Defense counsel has thirty-five (35) plus years of experience. His strength is in his thorough use of preliminary hearing as a discovery tool. In this case, counsel conducted a thorough and effective cross examination of Mr. Bauer. (Preliminary Hearing transcript previously attached as Exhibit A in State's Motion to Admit Preliminary Hearing Transcript).

- He made inquiry of the witness's criminal history. (PHT pg 70 and 71)
- Elicited that witness was a drug user. (PHT pg 63-66)
- Elicited that witness had previously sold controlled substances to the defendant. (PHT pg 71)
- Thoroughly inquired into the search procedure utilized by the law enforcement officers upon the person and vehicle of the witness. (PHT pg 71-74)

In addition, on direct examination the witness stated defendant had visited him (after charges were filed), and the witness told the defendant HE was the confidential informant. (PHT - pg 62, Ln 20-25), and further, the defendant did not seem surprised by that fact (PHT- pg 63, Ln 1-4).


Counsel's cross examination was not curtailed or limited in any manner, either by the court or the State. Counsel had an opportunity and motive to develop the testimony through cross examination of the witness, which is what Rule 804 (b) (1) and Idaho Code §9-336 requires. State v. Ricks, 122 Idaho 856 (Ct.App. 1992).

Counsel argues he did not have adequate time to prepare for cross examination as the State had not disclosed the confidential informant's identity prior to the preliminary hearing. And while the State did not list the name of the confidential informant, defense counsel had the audio tapes of the controlled buys, the monitored phone calls, and the debriefing tapes over two weeks prior to preliminary hearing. Also, as noted above, the defendant had the knowledge of confidential informant's identity from the confidential informant himself.

Conclusion

All of the requirements of both Idaho Code §9-336 and Idaho Rule of Evidence 804(b)(1) have been satisfied. The State respectfully requests the Court grant the State's motion to admit the preliminary hearing taped testimony and transcript of Robert Bauer at trial.

RESPECTFULLY submitted this 24th day of August, 2012.


SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing Response was

- (1) 1 hand delivered, or
(2) hand delivered via court basket, or
(3) sent via facsimile, or
(4) mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 24th day of August, 2012.


ERIN D. LEAVITT
Senior Legal Assistant

AMENDED EXHIBIT "B"
AMENDED LIST OF REPORTS

STATE OF IDAHO vs. KYLE A. RICHARDSON
NEZ PERCE COUNTY CASE NO. CR2012-0000082

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
3. Lewiston Police Department LAW Incident Table consisting of one (1) page. (4)
4. Lewiston Police Department Narrative prepared by Brett Dammon consisting of three (3) pages. (5-7)
5. Lewiston Police Department Supplemental Narrative prepared by Brett Dammon dated September 13, 2011, consisting of two (2) pages. (8-9)
6. Lewiston Police Department Supplemental Narrative prepared by Brett Dammon dated September 16, 2011, consisting of three (3) pages. (10-12)
7. Lewiston Police Department Supplemental Narrative prepared by Tom Sparks dated September 23, 2011, consisting of two (2) pages. (13-14)
8. Idaho State Police Forensic Services Criminalistic Analysis Report dated September 13, 2011, consisting of three (3) pages. (15-17)
9. Idaho State Police Forensic Services Evidence Submission Receipt/Form dated September 12, 2011, consisting of one (1) page. (18)
10. Idaho State Police Forensic Services Criminalistic Analysis Report dated September 28, 2011, consisting of three (3) pages. (19-21)
11. Idaho State Police Forensic Services Evidence Submission Receipt/Form dated September 22, 2011, consisting of one (1) page. (22)
12. Lewiston Police Department Main Names Table consisting of four (4) pages. (23-26)
13. Criminal History consisting of eleven (11) pages. (27-37)
14. **One (1) CD containing 5 photographs and 16 audio files:**
 - a. **13806buy1bodywire**
 - b. **13806buy1debrief**

- c. 13806buy1header
- d. 13806buy1phonecall1
- e. 13806buy2bodywire
- f. 13806buy2call1
- g. 13806buy2call2
- h. 13806buy2call3
- i. 13806buy2debrief
- j. 13806buy2header
- k. 13806buy3bodywire
- l. 13806buy3debrief
- m. 13806buy3header
- n. 13806buy3phonecall1
- o. 13806buy3phonecall2

FILED

2012 SEP 17 AM 10 47

PATTY C. [unclear]
CLERK OF DISTRICT COURT
[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF NEZ PERCE

) ORDER RE APPOINTMENT OF
) PUBLIC DEFENDERS

Robert J. Kwate, Richard Cuddihy, JoAnna McFarland and
Paige Nolta are now the holders of the Public Defender Contracts with
Nez Perce County commencing October 1, 2012;

Danny J. Radakovich is hereby relieved of the responsibility
of representing the Defendant in this case, effective October 1, 2012.

Dated this 17th day of September, 2012.

[Signature]

Jay Gaskill, Trial Court Administrator

COURT MINUTES

CR-2012-0000082

State of Idaho vs. Kyle Alan Richardson

Hearing type: Pretrial Motions

Hearing date: 9/20/2012

Time: 10:33 am

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich PD 2012

Prosecutor: Sandra Dickerson

- 103351 Defendant present with counsel.
- 103406 Court addresses counsel.
- 103446 Ms. Dickerson addresses the Court re: motion to use preliminary hearing transcript at trial, witness passed away.
- 103559 Mr. Radakovich addresses the Court re: objection to motion to use preliminary hearing transcript.
- 104306 Ms. Dickerson has nothing further to add.
- 104312 Court addresses counsel. Court takes matter under advisement and will issue written decision. Court will meet with counsel after decision has been issued and will reset this matter for trial.
- 104356 Court recess.

Second Judicial District Court, State of Idaho
in and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

STATE OF IDAHO
Plaintiff,
vs.

Kyle Alan Richardson
2115 Birch Ave
Lewiston, ID 83501

Defendant.

DOB: [REDACTED]
DL or SSN: [REDACTED]

FILED

2012 SEP 25 AM 11 51

Citation No. [REDACTED]

Case No: CR-2012-0000082

NOTICE OF APPOINTMENT OF NEW
PUBLIC DEFENDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Rick Cuddihy PD 2013
P.O. Drawer 717
Lewiston, ID 83501
(208) 746-0103

Public Defender for the County of Nez Perce, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Kyle Alan Richardson, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 9/25/12

Deputy Clerk [Signature]
EX-OFFICIO
AUDITOR
AND
RECORDER
CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY STATE OF IDAHO

Copies to:

- ☒ Public Defender
- ☒ Prosecutor
- ☒ Danny Radakovich
- ☒ Defendant

Notice of Appointment of Public Defender

Doc 30 OANPD

Danny J. Radakovich

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

October 17, 2012

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

RE: STATE V. KYLE RICHARDSON
CASE NO. CR12-0082

Dear Teresa:

Accompanying this letter please find the original and my blue file copy of a *Substitution of Counsel* in the above-entitled matter. Please file the original and then conform my blue file copy and return it to my office.

Thank you for your courtesy in this matter.

Sincerely,



Sheryl A. Kiely
Paralegal

SAK:me

Enclosures

cc: Kyle Richardson (w/encl)
Nez Perce County Prosecuting Attorney (w/encl)
Rick Cuddihy (w/encl)

DANNY J. RADAKOVICH
Radakovich Law Office
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED

2012 OCT 17 PM 4 27

CLERK OF THE DISTRICT COURT
[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

KYLE A. RICHARDSON,

Defendant.

) CASE NO. CR12-0082
)
)
)
)
)
)
)
)

SUBSTITUTION OF COUNSEL

NOTICE IS HEREBY GIVEN that Danny J. Radakovich is hereby substituted for Rick Cuddihy as the attorney for the defendant in the above-entitled matter. All further pleadings and correspondence should be served upon said Danny J. Radakovich.

DATED this 17th day of October, 2012.

[Signature: Rick Cuddihy]
Rick Cuddihy
Withdrawing Attorney

[Signature: Danny J. Radakovich]
Danny J. Radakovich
Substituting Attorney

SUBSTITUTION OF COUNSEL

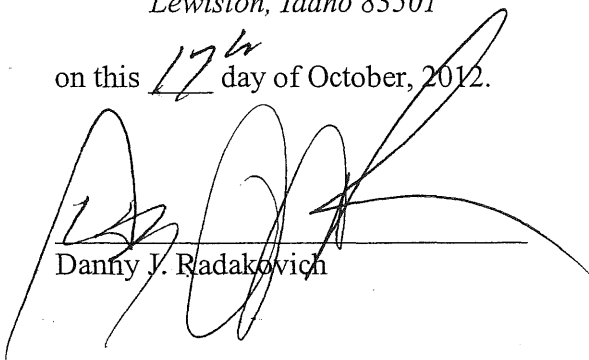
1

RADAKOVICH LAW OFFICE
1624 G Street
Lewiston, ID 83501

I hereby certify that a true
and correct copy of the foregoing
instrument was hand-delivered to:

Nez Perce County Prosecuting Attorney
P.O. Box 1267
Lewiston, Idaho 83501

on this 17th day of October, 2012.



Danny J. Radakovich

FILED

2012 OCT 23 AM 11 12

PATTY O. WILSON
CLERK OF THE DISTRICT COURT
DEPUTY

Skynolds

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

STATE OF IDAHO,

Plaintiff,

v.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR 2012-0082

**OPINION AND ORDER ON
MOTION TO ADMIT
PRELIMINARY HEARING
TRANSCRIPT TESTIMONY OF
ROBERT BAUER—DECEASED**

This matter came before the Court on pretrial motions filed by the State of Idaho. Danny Radakovich, attorney at law, represented the Defendant, Kyle Richardson. The State of Idaho was represented by Sandra Dickerson, Nez Perce County Chief Deputy Prosecuting Attorney. The Court heard oral argument on this matter on September 20, 2012. The Court, having heard the argument of counsel and being fully advised in the matter, hereby renders its decision.

FACTS AND PROCEDURAL HISTORY

A preliminary hearing was held in this matter on February 22, 2012. Mr. Bauer was a confidential informant who worked with law enforcement in order to set up controlled buys and

gather evidence regarding the charges which have been filed against the Defendant. Bauer testified in open court at the preliminary hearing and cross-examination was conducted by counsel on behalf of the defense. Bauer died approximately one month after the preliminary hearing was held. The State has motioned to present the transcript of Bauer's testimony to the jury in the upcoming trial on this matter. The Defendant has objected on the basis that the Defendant did not know Bauer's identity until the day of the hearing. As a result, the Defendant was denied an adequate opportunity to investigate Bauer, and thus unable to adequately cross-examine the witness at the preliminary hearing.

ANALYSIS

I.R.E. 804(b)(1) sets forth a hearsay exception when a declarant is unavailable, but has testified in a former proceeding.

Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

I.R.E. 804(b)(1). In addition, I.C. § 9-336 must be considered in conjunction with the rule of evidence. *See State v. Ricks*, 122 Idaho 856, 840 P.2d 400 (Ct. App. 1992).

Prior to admitting into evidence recorded testimony from a preliminary hearing, the court must find that the testimony offered is:

1. Offered as evidence of a material fact and that the testimony is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and
2. That the witness is, after diligent and good faith attempts to locate, unavailable for the hearing; and
3. That at the preliminary hearing, the party against whom the admission of the testimony is sought had an adequate opportunity to prepare and cross-examine the proffered testimony.

I.C. § 9-336.

This issue has also been more recently considered in *State v. Mantz*, 148 Idaho 303, 222 P.3d 471 (Ct. App. 2009). The analysis in *Mantz* is on point, and considers this issue in light of *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed.2d 177 (2004). Ultimately, the *Mantz* Court determined that the admission of preliminary hearing testimony did not violate the defendant's right to confrontation in light of *Crawford*.

The facts from *Mantz* are as follows:

Mantz was charged by criminal complaint with aggravated assault. The complaint alleged that Mantz intentionally fired a handgun near the head of Karl Hoidal and verbally threatened him. Hoidal testified at the preliminary hearing; however, prior to trial Hoidal died in an unrelated accident. The State filed a motion in limine requesting admission of Hoidal's preliminary hearing testimony at trial asserting that the testimony met the requirements for admission under I.C. § 9-336, Idaho Rule of Evidence 804(b)(1), and the Confrontation Clause of the Sixth Amendment. Mantz filed a cross-motion objecting to admission of Hoidal's preliminary hearing testimony. The district court granted the State's motion. At trial, an audio recording of Hoidal's preliminary hearing testimony was played for the jury and a written transcript was provided. However, the jury was not permitted to take the recording or the transcript to the jury room. The jury found Mantz guilty of aggravated assault, and the district court subsequently entered a judgment of conviction and imposed sentence.

Id. at 304-305, 222 P.3d at 473. The *Mantz* Court provides a thorough analysis of the Idaho Rule of Evidence, as well as I.C. § 9-336. Next the Court discusses in detail how other states have addressed this issue. Ultimately, the *Mantz* Court determined that a blanket prohibition of preliminary hearing testimony of an unavailable witness is not warranted. Instead, a case-by case approach is best.

The majority of courts do not condone a blanket prohibition of preliminary hearing testimony of an unavailable witness. Rather, preliminary hearing testimony is admissible as long as the defendant had an adequate opportunity to cross-examine, which is determined on a case-by-case basis. Similarly, this Court

in *Ricks*, albeit in the context of applying I.C. § 9-336 and I.R.E. 804(b)(1), held that “a case-by-case approach is the better way to determine whether the district court was correct in ruling that the preliminary hearing testimony was admissible.” *Ricks*, 122 Idaho at 863, 840 P.2d at 404. We conclude, as have the majority of courts addressing this issue, that the case-by-case approach should also apply to the Confrontation Clause analysis.

Id. at 309, 222 P.3d at 477.

The case at hand is distinguishable from *Mantz* on the basis that the Defendant was not informed of the name of the confidential witness until he testified at the preliminary hearing. While the State suggests the Defendant may have known who the confidential informant was prior to the hearing, this suggestion is speculative in nature. Further, access to the recordings of the confidential buys does not identify the confidential informant, nor does it provide the Defendant enough information to investigate this witness for purposes of cross-examination. In the case at hand, the Defendant did not have an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination, as contemplated by I.R.E. 804(b)(1). In this case, the Defendant was placed in a position of using cross-examination at the preliminary hearing as an investigatory tool. This is not the same opportunity or motive to develop testimony that counsel would employ at the trial on this matter. The Defendant did not have an adequate opportunity to impeach the witness because the Defendant was not provided the opportunity to investigate the witness prior to the hearing. This Court cannot find, in these circumstances, that the Defendant had an adequate opportunity for cross-examination pursuant to I.R.E. 804(b)(1), nor was there an adequate opportunity for cross-examination in light of the Confrontation Clause analysis as set forth in *Crawford v. Washington*. Thus, the State’s motion seeking to present the preliminary hearing transcript at the trial is denied.

CONCLUSION

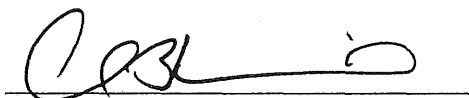
The State is seeking to admit the preliminary hearing transcript of the testimony of a witness who worked as a confidential informant who set up controlled buys with the Defendant. The witness died shortly after he testified at the preliminary hearing. The Defendant objected to the presentation of the transcript on the basis that the Defendant was denied the opportunity to adequately cross-examine the witness. Based upon the facts of this case, the State's motion is denied.

ORDER

The State's Motion to Admit Preliminary Hearing Transcript Testimony is hereby DENIED.

IT IS HEREBY ORDERED.

Dated this 23rd day of October, 2012.

A handwritten signature in black ink, appearing to read 'Carl B. Kerrick', is written over a horizontal line.

CARL B. KERRICK - District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing OPINION AND ORDER ON MOTION TO ADMIT PRELIMINARY HEARING TRANSCRIPT TESTIMONY OF ROBERT BAUER--DECEASED was:

X FAXED and hand delivered via court basket, or

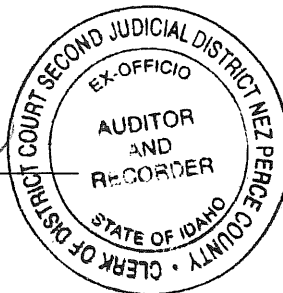
 mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this day of October, 2012, to:

Danny Radakovich
1624 G Street
Lewiston ID 83501

Sandra Dickerson
P O Box 1267
Lewiston ID 83501

PATTY O. WEEKS, CLERK

By Reynolds
Deputy



Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

STATE OF IDAHO,

Plaintiff,

vs.

Kyle Alan Richardson,

Defendant.

FILED

2012 OCT 23 PM 1 38

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

DEPUTY

Case No: CR-2012-0000082

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Status/Scheduling Conference Thursday, November 01, 2012 01:15 PM
Judge: Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Tuesday, October 23, 2012.

Defendant: Kyle Alan Richardson
2115 Birch Ave
Lewiston, ID 83501

Mailed ☒ Hand Delivered ☐

Private Counsel: Danny J Radakovich
1624 G Street
Lewiston, ID 83501

Mailed ☐ *faxed* Hand Delivered ☒

Prosecutor: Sandra K. Dickerson

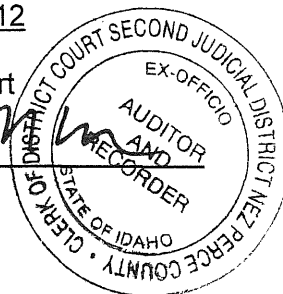
Mailed ☐ *faxed* Hand Delivered ☒

Dated: Tuesday, October 23, 2012

Patty O. Weeks
Clerk Of The District Court

By: *Patty O. Weeks*

Deputy Clerk
DOC22 7/96



COURT MINUTES

CR-2012-0000082

State of Idaho vs. Kyle Alan Richardson

Hearing type: Status/Scheduling Conference

Hearing date: 11/1/2012

Time: 1:20 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich

Prosecutor: April Smith

12045 Defendant not present.

12059 Ms. Smith addresses the Court and Defendant is in the Asotin County Jail.

12108 Mr. Radakovich addresses the Court and would have liked to be heard on the State's Motion to Revoke Bond in CR11-8658.

12141 Court addresses Mr. Radakovich and Robin Elliot from Above All Bail Bonds filed a notice and motion for exoneration of bail. Court set this case again for status conference once Defendant has been brought back to the Nez Perce County Jail.

12248 Court recess.

ORIGINAL

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 4968

FILED

2012 NOV 5 PM 12 02

PATTY O. WEEKS
CLERK OF THE DIST. COURT

[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

MOTION FOR PERMISSION TO
APPEAL

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney for
Nez Perce County and pursuant to Idaho Appellate Rule 12, the State moves for
permission to appeal the Court's Order dated October 23, 2012, denying State's
Motion to Admit Preliminary Hearing Transcript Testimony of Robert Bauer –
Deceased.

Respectfully submitted this 5th day of November, 2012

[Signature]

SANDRA K. DICKERSON
Chief Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing MOTION was

- (1) *U* hand delivered, or
- (2) _____ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

DATED this 5th day of November, 2012.


ERIN D. LEAVITT
Senior Legal Assistant

Second Judicial District Court, State of Idaho
and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

STATE OF IDAHO,

Plaintiff,

vs.

Kyle Alan Richardson,

Defendant.

FILED
2012 NOV 5 PM 2 14

Case No: CR-2012-0000082

NOTICE OF HEARING
PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Status Conference
Judge:

Thursday, November 15, 2012
Carl B. Kerrick

01:15 PM

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, November 05, 2012.

Defendant: Kyle Alan Richardson
2115 Birch Ave
Lewiston, ID 83501

Mailed _____ Hand Delivered _____

Private Counsel: Danny J Radakovich
1624 G Street
Lewiston, ID 83501

Mailed _____ faxed Hand Delivered x _____

Prosecutor: Sandra K. Dickerson

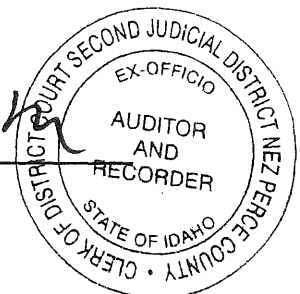
Mailed _____ faxed Hand Delivered x _____

Dated: Monday, November 05, 2012

Patty O. Weeks
Clerk Of The District Court

By:

Patty O. Weeks
Deputy Clerk
DOC22 7/96



ORIGINAL

FILED

2012 NOV 16 AM 7 49

an damm
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

KYLE A. RICHARDSON,

Defendant.

CASE NO. CR2012-0000082

ORDER GRANTING PERMISSIVE
APPEAL

Having read and considered the State's Motion for Permission to Appeal
pursuant to Idaho Appellate Rule 12, and being fully advised in this matter,

The Court hereby Grants State's Motion for Permissive Appeal.

DATED this 15th day of November, 2012

CEBH

District Judge

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing ORDER was

- (1) _____ hand delivered, or
- (2) ☒ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

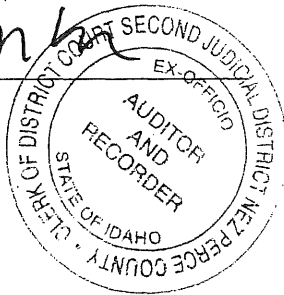
Danny Radakovich
Attorney at Law
1624 G Street
Lewiston Idaho 83501

Sandra K. Dickerson
Chief Deputy Prosecutor
1221 "F" Street
Lewiston, ID 83501

DATED this 16th day of November, 2012.

CLERK OF THE COURT

URSamm
Clerk



COURT MINUTES

CR-2012-0000082

State of Idaho vs. Kyle Alan Richardson

Hearing type: Status Conference

Hearing date: 11/20/2012

Time: 1:12 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich

Prosecutor: April Smith

- 11238 Defendant not present.
- 11249 Mr. Radakovich addresses the Court and Defendant is still incarcerated in Asotin County.
- 11257 Ms. Smith addresses the Court and the State has filed a Motion for Permissive Appeal.
- 11300 Court addresses counsel.
- 11332 Ms. Smith will prepare order.
- 11338 Mr. Radakovich addresses the Court.
- 11448 Court recess.

700 W. State St.
P.O. Box 83720
Boise, ID 83720-0010
208-332-3096
208-854-8083

**Idaho State
Attorney General
Criminal Law Division**

Fax

To: Nez Perce County Court Clerk **From:** Rosean for Ken Jorgensen
Fax: 208-799-3058 **Pages:** 5
Phone: **Date:** 1/14/13
Re: Notice of Appeal **cc:**
State v. Richardson CR-12-82
☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Please return a conformed face page to fax 208-854-8083.

Thank you.

1-14-13 1st pg faxed back
JCR

LAWRENCE G. WASDEN
Attorney General
State of Idaho

PAUL R. PANTHER
Deputy Attorney General
Chief, Criminal Law Division

KENNETH K. JORGENSEN
Idaho State Bar # 4051
Deputy Attorney General
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534

FILED

2013 JAN 14 PM 12 06

PATLY D. WELLS
CLERK OF THE DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY

STATE OF IDAHO

Plaintiff-Appellant,

vs.

KYLE A. RICHARDSON,

Defendant-Respondent.

)
)
)
)
)
)
)
)
)
)
)

District Court No. CR-2012-82
Supreme Court No. 40507-2012
NOTICE OF APPEAL

TO: KYLE A. RICHARSON, THE ABOVE-NAMED RESPONDENT,
DANNY RADA KOVICH, ATTORNEY AT LAW, 1624 G STREET, LEWISTON, ID
83501 AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, State of Idaho, appeals against the
above-named respondent to the Idaho Supreme Court from the OPINION AND
ORDER ON MOTION TO ADMIT PRELIMINARY HEARING TRANSCRIPT

TESTIMONY OF ROBERT BAUER - DECEASED, entered in the above-entitled action on the 23rd day of October 2012, the Honorable Carl B. Kerrick presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 12, I.A.R., and the Order Granting Motion for permissive Appeal entered by the Idaho Supreme Court on January 8, 2012.

3. Preliminary statement of the issue on appeal: Whether the district court erred by excluding transcribed testimony of a deceased witness.

4. To undersigned's knowledge, no part of the record has been sealed.

5. Appellant requests the preparation of the following portions of the reporter's transcript: The hearing on the state's motion *in limine* heard September 20, 2012 (Nancy Towler, court reporter; estimated pages: unknown). Appellant requests that the previously prepared transcript of the preliminary hearing, held February 22, 2012, be included in the record as an exhibit.

6. Appellant requests the normal clerk's record pursuant to Rule 28, I.A.R.

7. I certify:

(a) That a copy of this notice of appeal is being served on each reporter of whom a transcript has been requested as named below at the address set out below:

LINDA CARLTON
Court Reporter
Nez Perce Courthouse
P.O. Box 896
Lewiston, Idaho 83501

NANCY TOWLER
Court Reporter
Nez Perce Courthouse
P.O. Box 896
Lewiston, Idaho 83501

(b) That arrangements have been made with the Nez Perce County Prosecuting Attorney who will be responsible for paying for the reporter's transcript;

(c) That the appellant is exempt from paying the estimated fee for the preparation of the record because the State of Idaho is the appellant (Idaho Code § 31-3212);

(d) That there is no appellate filing fee since this is an appeal in a criminal case (I.A.R. 23(a)(8));

(e) That service is being made upon all parties required to be served pursuant to Rule 20, I.A.R.

DATED this 14th day of January 2013.



KENNETH K. JORGENSEN
Deputy Attorney General
Attorney for the Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 14th day of January 2013, caused a true and correct copy of the attached NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

THE HONORABLE CARL B. KERRICK
Nez Perce County Courthouse
P.O. Box 896
Lewiston, Idaho 83501

SANDRA DICKERSON
Nez Perce County Prosecutor's Office
P.O. Box 1267
Lewiston, Idaho 83501

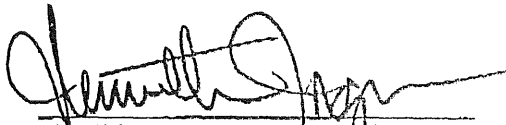
DANNY RADAKOVICH
Attorney at Law
1624 G Street
Lewiston, ID 83501

LINDA CARLTON
Court Reporter
Nez Perce Courthouse
P.O. Box 896
Lewiston, Idaho 83501

NANCY TOWLER
Court Reporter
Nez Perce Courthouse
P.O. Box 896
Lewiston, Idaho 83501

HAND DELIVERY

MR. STEPHEN W. KENYON
CLERK OF THE COURTS
P.O. Box 83720
Boise, Idaho 83720-0101



KENNETH K. JORGENSEN
Deputy Attorney General

KKJ/pm

NOTICE OF APPEAL - 4

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Appellant,

vs.

KYLE ALAN RICHARDSON,

Defendant-Respondent.

Supreme Court Case No. 40507

CERTIFICATE OF EXHIBITS

I, PATTY O. WEEKS, Clerk of the District Court of the Second Judicial District of the State of Idaho in and for the County of Nez Perce, do hereby certify:

The attached list is a list of the exhibits offered for identification or admitted into evidence during the course of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 12 day of February 2013.

PATTY O. WEEKS
Clerk of the District Court

By 
Deputy Clerk

CERTIFICATE OF EXHIBITS

Number	Description	Result	Storage Location Property Item Number	Destroy Notification Date	Destroy or Return Date
1	State's exhibit 1 - ISP Forensic Services Criminalistic Analysis Report for Agency Exhibit No. 145144. Admitted 2/22/12	Admitted	On Appeal to Deanna 2/		
		Assigned to:	Dickerson, Sandra K.		
2	State's exhibit 2 - ISP Forensic Services Criminalistic Analysis Report for Agency Exhibit No. 145184 and 145326. Admitted 2/22/12	Admitted	On Appeal to Deanna 2/		
		Assigned to:	Dickerson, Sandra K.		
3	State's exhibit 3 - picture of small baggie containing crystal meth (baggie on right) and baggie containing drug test kit (on left). Admitted 2/22/12	Admitted	On Appeal to Deanna 2/		
		Assigned to:	Dickerson, Sandra K.		
4	State's exhibit 4 - Picture of small baggie containing crystal meth which was found in the cigarette pack. Admitted 2/22/12	Admitted	On Appeal to Deanna 2/		
		Assigned to:	Dickerson, Sandra K.		
5	State's exhibit 5 - Picture of two baggies containing crystal meth (on the left) and a baggie containing drug test kit (on right). Admitted 2/22/12	Admitted	On Appeal to Deanna 2/		
		Assigned to:	Dickerson, Sandra K.		

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Appellant,

vs.

KYLE ALAN RICHARDSON,

Defendant-Respondent.

Supreme Court Case No. 40507

CLERK'S CERTIFICATE

I, DeAnna P. Grimm, Deputy Clerk of the District Court of the Second Judicial District of the State of Idaho, in and for the County of Nez Perce, do hereby certify that the foregoing Clerk's Record in the above-entitled cause was compiled and bound by me and contains true and correct copies of all pleadings, documents, and papers designated to be included under Rule 28, Idaho Appellate Rules, the Notice of Appeal, any Notice of Cross-Appeal, and additional documents that were requested.

I further certify:

1. That all documents, x-rays, charts, and pictures offered or admitted as exhibits in the above-entitled cause, if any, will be duly lodged with the Clerk of the Supreme Court with any Reporter's Transcript and the Clerk's Record, as required by Rule 31 of the Idaho Appellate Rules.

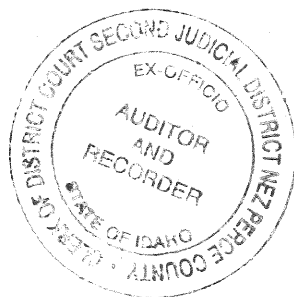
CLERK'S CERTIFICATE

2. That the following will be submitted as an exhibit to this record on appeal:

Preliminary Hearing Transcript dated February 22, 2012

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said court this 12 day of February 2013.

PATTY O. WEEKS, Clerk



By *[Signature]*
Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,
Plaintiff-Appellant,
vs.
KYLE ALAN RICHARDSON,
Defendant-Respondent.

Supreme Court Case No. 40507

CERTIFICATE OF SERVICE

I, PATTY O. WEEKS, the undersigned authority, do hereby certify that I have personally served by US Mail or by electronic mailing one copy of the following:

CLERK'S RECORD

REPORTER'S TRANSCRIPT FROM NANCY TOWLER to each of the Attorneys of Record in this cause as follows:

DANNY J. RADAKOVICH
radakovichoffice@cableone.net
ATTORNEY FOR RESPONDENT
LEWISTON, ID

LAWRENCE G. WASDEN
patricia.miller@ag.idaho.gov
ATTORNEY FOR APPELLANT
BOISE, ID

Date of Service

February 20, 2013

By

PATTY O. WEEKS
Clerk of the District Court
[Signature]
Deputy Clerk

CERTIFICATE OF SERVICE